

**FORT BEND COUNTY.**

M. L. Speed ..... Beasley  
M. M. Newell ..... Richmond

**WALLER COUNTY.**

R. E. Tompkins ..... Hempstead

**BRAZORIA COUNTY.**

W. H. Graham ..... Velasco  
T. M. Smith ..... Columbia

**TRAVIS COUNTY.**

E. R. Pedigo ..... Austin  
Paul Vines ..... Austin  
J. F. Clark ..... Austin

**WILLIAMSON COUNTY.**

Walter Rountree ..... Georgetown

**KIMBLE COUNTY.**

W. G. Boyle ..... Junction  
R. R. King ..... Segorra

**TERRELL COUNTY.**

J. B. Ross ..... Sanderson

**WINKLER COUNTY.**

Wm. R. Vermillion ..... Winkler Co.

**REEVES COUNTY.**

John Y. Leavell ..... Pecos

**JONES COUNTY.**

A. H. Blinerby ..... Hamlin  
N. A. Brown ..... Hamlin  
C. W. Middleton ..... Hamlin  
J. L. Cearley ..... Anson

**TAYLOR COUNTY.**

Eugene DeBogory ..... Abilene

**GRAY COUNTY.**

J. A. Coppedge ..... Alanreed

**DALLAM COUNTY.**

E. E. Kersey ..... Dalhart  
C. B. Hudson ..... Dalhart  
G. B. Stone ..... Conlen  
Roy W. Thompson ..... Dallam

**ARMSTRONG COUNTY.**

James Louge ..... Claude

**GRAY COUNTY.**

B. O. Cook ..... McLean

**POTTER COUNTY.**

E. P. Powell ..... Amarillo

**WHEELER COUNTY.**

John E. Crowley ..... Shamrock

**HEMPHILL COUNTY.**

N. P. Willis ..... Canadian

**PARMER COUNTY.**

J. F. McKay ..... Farwell  
D. W. McMillen ..... Friona

**DALLAM COUNTY.**

R. W. Marple ..... Texline

**POTTER COUNTY.**

D. M. Young ..... Amarillo

**WICHITA COUNTY.**

Wm. N. Bonner ..... Wichita Falls

**JACK COUNTY.**

J. T. Harman ..... Bridgeport

**HALL COUNTY.**

W. T. Howard ..... Memphis  
T. J. Rich ..... Memphis

**WILBARGER COUNTY.**

L. G. Hawkins ..... Vernon

**TARRANT COUNTY.**

L. M. Walthall ..... Fort Worth  
Brown Harwood ..... Fort Worth  
Thomas B. Gilliland ..... Fort Worth  
L. Jameson ..... Fort Worth  
I. F. Squyres ..... Fort Worth

**FORTY-FOURTH DAY.**

Senate Chamber,

Austin, Texas.

Thursday, March 11, 1909.

Senate met pursuant to adjournment,  
Lieutenant Governor A. B. Davidson  
presiding.

Roll call, quorum present, the follow-  
ing Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Thomas.
Mayfield.	Ward.

Masterson.  
Watson.

Weinert.  
Willacy.  
Absent.

Terrell of McLennan, Veale.

Absent—Excused.

Greer.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hayter, the same was dispensed with.

The regular order of business was called and, there being no business, the Chair declared the morning call concluded.

#### HOUSE BILL NO. 490.

Senator Mayfield called up, by unanimous consent, House bill No. 490.

The Chair laid before the Senate, on third reading,

House bill No. 490, A bill to be entitled "An Act to exempt Bell county from the provisions contained in Section 1 of Chapter 168 of the General Laws of the Regular Session of the Thirtieth Legislature, relative to the appointment and qualification of county auditors."

The bill was read third time, and passed.

#### MOTION TO RESCIND VOTE.

Here Senator Peeler moved that the vote by which the Senate adopted the minority committee report on House bill No. 19 be rescinded.

Senator Brachfield made the point of order on the motion that the vote by which the minority committee report was adopted had been reconsidered and that motion tabled; and that the motion under the rules by which the Senate was working this week had to be by unanimous consent, and he (Senator Brachfield) objected.

The Chair (Lieutenant Governor Davidson) overruled the first point of order, but sustained the latter point of order.

#### HOUSE JOINT RESOLUTION NO. 7.

Senator Willacy called up, by unanimous consent, House Joint Resolution No. 7.

The Chair laid before the Senate, on third reading,

House Joint Resolution No. 7, To

amend Section 51 of Article 3 of the Constitution of the State of Texas, so as to authorize the grant of aid to disabled and dependent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors, and for the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors and such women as aided the Confederacy, and making appropriations for same.

The resolution was read third time, and passed by the following vote:

Yeas—25.

Adams.  
Alexander.  
Brachfield.  
Bryan.  
Cofer.  
Harper.  
Holsey.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.  
Murray.  
Paulus.

Peeler.  
Perkins.  
Real.  
Senter.  
Stokes.  
Terrell of Bowie.  
Terrell of McLennan.  
Thomas.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent.

Hayter.  
Hume.  
Meachum.

Sturgeon.  
Veale.

Absent—Excused.

Greer.

#### HOUSE BILL NO 360.

Senator Cofer called up, by unanimous consent, House bill No. 360.

The Chair laid before the Senate, on third reading,

House bill No. 360, A bill to be entitled "An Act to amend an act of the Thirtieth Legislature, entitled 'An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said district and validating process, and providing an emergency,' approved April 15, 1907, so as to change terms and times of holding courts in Camp, Upshur and Smith counties, and validating processes, etc., and repealing all laws and parts of laws in conflict with this act."

The bill was read third time, and passed.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the  
Senate.

Sir: I am directed by the House to  
inform the Senate that the House re-  
quests the Senate to return Senate bill  
No. 311.

Also passed

House bill No. 150, A bill to be entitled  
"An Act to amend Sections 105, 106,  
108, 109, 112, 113, 114, 117, 118, 119,  
120, 121, 122 and 123 of Chapter 124  
of the Acts of the Regular Session of  
the Twenty-ninth Legislature, relating  
to teachers' certificates."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILL READ AND REFERRED.

The Chair (Lieutenant Governor Da-  
vidson) had referred, after its caption  
had been read, the following House bill  
(see above message for caption of):

House bill No. 150, referred to Com-  
mittee on Educational Affairs.

## SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That Senate bill No. 311 be  
recalled from the Enrolling Clerk to be  
returned to the House on its request in  
order that the House may order a roll  
call on final passage, and I move the  
request of the House for the return of  
said bill be now granted.

The resolution was read and adopted.

## HOUSE BILL NO. 146.

Senator Bryan called for House bill  
No. 146, and there was objection.

Senator Bryan moved that the pend-  
ing order of business (Senate bill No.  
94) be suspended, and the Senate take  
up, out of its order, House bill No. 146.  
(Senator Murray in the chair.)

The motion was adopted by the fol-  
lowing vote:

Yeas—21.

Adams.  
Alexander.  
Brachfield.  
Bryan.  
Cofer.  
Hayter.

Hudspeth.  
Masterson.  
Mayfield.  
Murray.  
Paulus.  
Peeler.

Perkins.  
Real.  
Senter.  
Stokes.  
Sturgeon.

Terrell of Bowie.  
Thomas.  
Ward.  
Willacy.

Nays—5.

Harper.  
Holsey.  
Meachum.

Terrell of McLennan.  
Watson.

Absent.

Hume.  
Kellie.

Veale.  
Weinert.

Absent—Excused.

Greer.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the  
Senate.

Sir: I am directed by the House to  
inform the Senate that the House has  
passed the following bill:

House bill No. 513, A bill to be entitled  
"An Act to amend Section 126 of Chap-  
ter 2 of the General Laws of Texas,  
First Called Session of the Twenty-ninth  
Legislature, 1905, entitled 'An Act to  
regulate elections and to provide penal-  
ties for its violations, and to repeal the  
acts of the Twenty-eighth Legislature of  
1903, regulating elections, general, spe-  
cial and primary, and political conven-  
tions, approved April 1, 1903,' etc.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILL READ AND REFERRED.

The Chair (Senator Murray) had re-  
ferred, after its caption had been read,  
the following House bill (see above  
House message for caption):

House bill No. 513, referred to Com-  
mittee on Privileges and Elections.

## HOUSE BILL NO. 146.

Action recurred on House bill No.  
146, and

The Chair laid before the Senate, on  
second reading,

House bill No. 146, A bill to be entitled  
"An Act to amend Section 21 of an act  
entitled 'An Act providing for the health  
and safety of persons in and around  
mines, and for creating a State Mining  
Board and the office of State Mining In-

spector, and defining the duties of such Inspector,' passed by the Thirtieth Legislature of the State of Texas, and approved April 30, 1907, by providing that the salary of the State Mining Inspector shall be \$2000 per year, and that his traveling expenses shall not in any one year exceed the sum of \$1000, and declaring an emergency."

The bill was read second time, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out all of Section 2, on page 2, of the printed bill and insert the following:

"Section 2. It shall be the duty of the State Mine Inspector to enforce the provisions of this act, under the instruction of the State Mining Board, and to make report to said Board at its semi-annual meetings, and oftener if required. Provided, that neither the instructions of said Board nor the acts of said Inspector shall ever discriminate in favor of or against any mine or mines, nor against any owner, operator or employe of any mine or mines, but said acts, either of the Board or of the Inspector, shall be impartial, fair and just to all persons or corporations, subject to this act. Before receiving his appointment by the Governor, the Inspector of mines shall be required to enter into and deliver to the Governor a good and sufficient bond in the sum of \$10,000, with at least three good, lawful and sufficient securities, for the faithful and impartial performance of his duty, and the sureties herein required, shall make affidavit before some officer authorized to administer oaths, that they, in their own right, over and above all exemption, are worth the full amount of the bond they sign as sureties, said bond to be approved by the Governor, provided he is satisfied as to its sufficiency, and said bond shall be conditioned that there shall be no discrimination in favor of or against any mine or mines, nor against any owner or employe of any mine or mines. Provided further, if the fact may be shown that said Inspector has discriminated against and to the injury of any mine or mines, or against and to the injury of any owner, operator or employe, then the said owner, operator or employe may sue upon the bond herein provided for and shall be entitled to recover such liquidated damages as may be proven and shown in such suit.

WILLACY,  
STOKES,  
WATSON.

Senator Bryan moved the previous question on the bill, which motion being duly seconded, was so ordered.

Bill read second time, and passed to third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Nays—3.

Holsey.	Stokes.
Meachum.	

Absent.

Terrell of Bowie.	Thomas.
Terrell of McLennan.	Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Nays—2.

Harper.	Holsey.
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Absent.

Meachum.	Thomas.
Terrell of Bowie.	Veale.
Terrell of McLennan.	

Absent—Excused.

Greer.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

Concurs in Senate amendments to House Joint Resolution No. 5 by the following vote: Yeas, 106; nays, 0.

Does not concur in Senate amendments to House bill No. 28, and requests the appointment of a Free Conference Committee. The following have been appointed on part of the House:

Messrs, Ray, Stratton, Davis, Fitzhugh and Terrell of Bexar.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### HOUSE BILL NO. 28—FREE CONFERENCE COMMITTEE ON.

Senator Hayter moved that the Senate grant the request of the House for a Free Conference Committee on House bill No. 28.

The motion prevailed, and

The Chair (Senator Murray) appointed the following as the Free Conference Committee:

Senators Hayter, Hume, Peeler, Alexander, Watson.

### FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 311, A bill to be entitled "An Act to amend Chapter 75 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, creating a more efficient road system for Grayson county; and Chapter 65 of the Special Laws of said State, amendatory thereof, passed by the Thirtieth Legislature at its Regular Session; providing for the creation of road districts in any political subdivision of any defined district hereafter to be described in said county; prescribing the

procedure necessary to the creation of such district; authorizing such district to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners court of said county of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued; declaring the qualification of voters of such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for such purpose; providing for the investment of said sinking fund and for its custody and deposit when not invested; providing that the courts shall take notice of this act in the same manner as general laws of the State, making it cumulative of the general laws of the State except when in conflict with the act, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### HOUSE BILL NO. 295.

Senator Watson called up House bill No. 295, there being no objection.

The Chair laid before the Senate, on second reading,

House bill No. 295, A bill to be entitled "An Act to amend the Penal Code of the State of Texas by adding thereto Article 812a, prohibiting the owners of sheep affected with the 'scab' or other infectious or contagious disease from driving or permitting the same to be driven over or along any public road or highway in this State, or on or over the enclosed lands of another without the written consent of such owner, and prescribing a penalty therefor, and declaring an emergency."

The committee report, which recommended that the bill be not printed, was adopted.

(Senator Peeler in the chair.)

Bill read second time, and passed to third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.  
Alexander.

Brachfield.  
Cofer.

Harper.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Bryan.	Terrell of McLennan.
Senter.	Veale.
Terrell of Bowie.	

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Terrell of McLennan.
Mayfield.	Veale.
Senter.	

Absent—Excused.

Greer.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

Does not concur in Senate amendments to House Joint Resolution No. 7, and request a Free Conference Committee. The following have been appointed on part of the House:

Messrs. Ralston, Vaughan, Pearson, McKinney and Jackson.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### FREE CONFERENCE COMMITTEE ON HOUSE JOINT RESOLUTION NO. 7.

Senator Willacy moved that the Senate grant the request of the House for a Free Conference Committee on House Joint Resolution No. 7.

The motion prevailed, and

The Chair (Senator Peeler) appointed the following Free Conference Committee:

Senators Willacy, Alexander, Meachum, Hume and Cofer.

#### HOUSE BILL NO. 127.

Senator Thomas called for House bill No. 127, but there was objection to the bill, and

Senator Thomas moved that the pending order of business (Senate bill No. 94) be suspended, and the Senate take up, out of its order, House bill No. 127.

The motion was adopted, by the following vote:

Yeas—20.

Adams.	Mayfield.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.

Nays—8.

Hume.	Paulus.
Masterson.	Sturgeon.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Veale.	Weinert.
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Absent—Excused.

Greer.

The Chair laid before the Senate, on second reading,

House bill No. 217, A bill to be entitled "An Act to require all railroad companies doing business in this State to

provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of such railroad company."

The committee report recommending that the bill be not printed was adopted.

The bill was read second time, and passed to a third reading.

Senator Brachfield moved to reconsider the vote by which the bill was passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 452.

Senator Hayter called for House bill No. 452, but there was objection, and

Senator Hayter moved the pending order of business (Senate bill No. 94) be suspended, and the Senate take up, out of its order, House bill No. 452.

The motion was adopted by the following vote:

Yeas—20.

Adams.	Paulus.
Alexander.	Peeler.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—9.

Brachfield.	Perkins.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of McLennan.
Harper.	Thomas.
Mayfield.	

Absent.

Veale.

Absent—Excused.

Greer.

The Chair laid before the Senate, on third reading,

House bill No. 452, A bill to be entitled "An Act to amend Article 3385, Title 69, of the Revised Statutes of the State of Texas of 1895, relating to local option so as to except from the operation of the articles of said title wholesale druggists selling alcohol to retail or dispensing druggists, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—19.

Adams.	Peeler.
Alexander.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—9.

Brachfield.	Perkins.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of McLennan.
Harper.	Thomas.
Mayfield.	

Absent.

Meachum.

Veale.

Absent—Excused.

Greer.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(Lieutenant Governor Davidson in the chair.)

#### RECESS.

Senator Kellie moved that the Senate recess until 2:30 o'clock today, which motion prevailed.

#### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

#### EXECUTIVE SESSION POSTPONED.

The hour for the Senate to go into Executive Session to consider the appointments of notaries public sent to the Senate several days since having arrived,

Senator Terrell of McLennan moved that the Senate reconsider the vote by which the Senate designated today at 2:30 for the purpose of considering the appointments of notaries public.

The motion to reconsider prevailed, and

Senator Alexander moved that the Executive Session be postponed until tomorrow morning at 9 o'clock.

The motion prevailed.

## SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 586, A bill to be entitled "An Act to amend Chapter 158 of an act of the Thirtieth Legislature, said act being entitled 'An Act to amend Article 651, Chapter 3, Title 21 of the Revised Statutes of the State of Texas, and declaring an emergency'; defining the powers of private corporations and amending said act so that said corporations may have as many as twenty-one directors, and declaring an emergency."

Senate bill No. 301, A bill to be entitled "An Act changing and fixing the times of holding the courts in the Fortieth Judicial District of Texas, and providing for a longer term of court to be held in Ellis county, and for all writs and process returnable to the other courts at the time now fixed by law shall be returned at the terms and times now fixed by law shall be returnable at the terms and times as fixed by this act, and shall be valid; and the present district judge now in office and residing in the Fortieth Judicial District shall hold the several terms of court in said district, for and during the term for which he was elected, and this act shall not affect any term of the district court that may be in session in any of the various counties named herein, at the time this act goes into effect, and declaring an emergency."

Senate bill No. 299, A bill to be entitled "An Act creating the Venus Independent School District, in Johnson county, Texas."

Senate bill No. 308, A bill to be entitled "An Act providing for the compensation of county commissioners of Cooke county, when acting as road commissioners and performing the duties imposed upon them by law or by the commissioners court, and declaring an emergency."

Senate bill No. 200, A bill to be entitled "An Act creating an independent school district to be known as the Goliad Independent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for the creating of a board of trustees therefor, and authorize the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees power and au-

thority to issue bonds for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and to further prescribe the duties and authorities of said board of trustees," with amendment.

Senate bill No. 226, A bill to be entitled "An Act to create a more efficient road system for McLennan county, Texas."

Senate bill No. 260, A bill to be entitled "An Act to amend Sections 2, 12, 13 and 15 of an act creating the Lubbock Independent School District, and declaring an emergency."

Senate bill No. 261, A bill to be entitled "An Act to amend Section 2, Article 1 of the Special Laws of Texas, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to grant a new charter to the city of Austin, Travis county, Texas'; repealing all laws and parts of laws in conflict herewith, and declaring an emergency, approved February 3, 1909," with amendments.

Also concurs in Senate amendments to House bills Nos. 200 and 490.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 263, A bill to be entitled "An Act creating an independent school district for free school purposes only, in the county of Johnson, and to be known as the Burleson Independent School District, and to have all the rights, powers and duties of an independent school district formed for free school purposes only, and declaring an emergency."

Senate bill No. 273, A bill to be entitled "An Act creating an independent school district for free school purposes only, in the county of Johnson, to be known as the Grandview Independent School District, and to have all the rights, powers and duties of independent school districts, formed by the incorporation of towns and villages for free school purposes only, and declaring an emergency."

Senate bill No. 285, A bill to be entitled



"An Act to create a more efficient road system for Val Verde county, Texas."

Senate bill No. 274, A bill to be entitled "An Act providing for a special road law for the county of Jasper, creating the office of superintendent of public roads and bridges; defining his powers and duties; defining the powers and duties of road overseers; defining what persons are subject to work upon the public roads; providing proper penalties for violation of this act, and declaring an emergency."

Senate bill No. 14, A bill to be entitled "An Act to abolish the Higgins Independent School District and to incorporate an independent school district to be known as the Higgins Independent School District."

Senate bill No. 188, A bill to be entitled "An Act to incorporate McLean Independent School District; to provide for election of officers, the issuance of bonds, etc., and declaring an emergency."

Senate bill No. 215, A bill to be entitled "An Act to amend Sections 19 and 24 of an act passed by the Twenty-ninth Legislature, Chapter 47, General Laws, entitled 'An Act creating an independent school district to be known as the Ballinger Independent School District, including within its limits the municipal corporation of the town of Ballinger, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said school, and further prescribing the duties and authorities of said board,' and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### HOUSE BILL NO. 89.

Senator Peeler called up House bill No. 89, there being no objection.

The Chair laid before the Senate, on second reading,

House bill No. 89, A bill to be entitled "An Act to prescribe additional conditions upon which life insurance corporations may transact business in this State, and to require that all such companies shall invest an amount equal to

75 per cent of the reserves required by law to be maintained by them on account of policies of insurance written upon the lives of citizens in Texas, in Texas securities and Texas property, and to define Texas securities and designate the property in which such investments may be made, and to permit such corporations or their stockholders to deposit with the State Treasurer the capital stock thereof, or the securities in which the same is invested, as well as other securities, and to advertise or print on policies issued the fact of such deposits, and to require each life insurance company doing business in this State to appoint the Commissioner of Insurance and Banking of this State and his successors in office, its agents and attorney-in-fact for the purpose of accepting or being served with citation in any suit to be brought against such company in any county of this State, and to provide for the collection of an occupation tax from life insurance companies doing business in this State in proportion to their gross premiums receipts, and providing for the reduction of such tax in proportion to the increase of investments in Texas securities at the rate of interest not exceeding 5 per cent per annum, and requiring the payment of companies not now transacting business in this State under certificate of authority from the Commissioner of Insurance and Banking, which have formerly transacted business therein under such certificates, or which may hereafter discontinue transacting new business under such certificates, and which shall hereafter or thereafter obtain authority to transact business in this State, as a condition of their readmission of a sum equal to the occupation tax upon their premium receipts since their withdrawal, which would have been levied upon them by law if they had continued transacting business under such certificate in this State, and permitting insurance companies not writing new business in this State to maintain an agency and office for collecting of renewal premiums and obtain permits to lend money in this State, and providing that no occupation tax shall be levied on life insurance agents, and to repeal the act approved April 24, 1907, published and known as Chapter 170 of the General Laws of the Thirtieth Legislature of Texas, entitled 'An Act to require all incorporated or mutual companies doing a life insurance business within the State of Texas to invest a part of the reserve set apart on account of and for the final payment

of policies of insurance written on the lives of citizens of Texas in Texas securities and Texas property, or in the bonds of the United States and any State of the United States, and to define Texas securities and the property in which such investments may be made, and to require that a part of the securities in which such reserve is invested be kept on deposit in the vaults of the Treasurer of this State or in the National or State banks or trust companies in Texas, designated as depositories for the security of policyholders, and declaring an emergency,' and to repeal all other laws or parts of laws in conflict with this act, and to authorize the withdrawal of securities deposited by insurance companies under the provisions of said act approved April, 1907, and hereby repealed, but reserving to the State the right to collect the taxes on gross receipts and penalties provided for in Section 8 of the act approved May 16, 1907, and published and known as Chapter 18 of the Acts of the First Called Session of the Thirtieth Legislature of Texas; providing for the levy of occupation taxes, and providing penalties for violations of certain provisions of this act, and for the collection of such penalties."

(Senator Meachum in the chair.)

The committee report, with amendments, was read, and adopted.

Senator Hume offered the following amendment:

Amend the bill by striking out all after the enacting clause, and inserting in lieu thereof the following:

Section 1. That each and every life insurance company now engaged or that may hereafter engage in transacting the business of life insurance in this State may invest in Texas securities, as hereinafter defined and in Texas real estate as hereinafter provided.

Sec. 2. The phrase "Texas securities," as used in this act, shall be held to include bonds of the State of Texas, or of any county, city, town, school district or other municipality or subdivision which is now or may hereafter be constituted or organized and authorized to issue bonds under the Constitution and laws of this State; promissory notes and other obligations, the payment of which is secured by a mortgage, deed of trust or other valid lien upon unincumbered real estate situated in this State, the title to which real estate is valid and the market value of which is double the amount loaned thereon, exclusive of buildings, unless such build-

ings are insured and kept insured in some company authorized to transact business in this State, and the policy or policies transferred to the company taking such mortgage or lien; the first mortgage bonds of any solvent corporation incorporated under the laws of this State and doing business in this State, which has not in five years, next preceding the date of the investment by such company in such mortgage bonds, defaulted for more than three months in the payment of interest upon its bonds or indentedness, the market value of which bonds is not less than the par value thereof and is equal to the amount invested therein; and loans made to policyholders on the sole security of the reserve values of their policies. And the investments permitted by this act, or any part thereof, may be made by the purchase of not more than one building site, and in the erection thereon of not more than one office building already constructed and the ground upon which the same is located in any city of the State, having a population of more than four thousand inhabitants. And all real estate owned by life insurance companies in this State, on December 31, 1909, and all thereafter acquired under the provisions of this act, or by foreclosure of a lien thereon, shall be treated, to the extent of its reasonable market value as a part of the investments permitted by this act. And "Texas securities" as used in the following sections of this act, shall be held to include every character of investment authorized by the terms of this section.

Sec. 3. That each life insurance company, doing business in this State, shall, not later than ten days after January 31 of each year, file with the Commissioner of Insurance and Banking of this State, on a blank prepared and furnished by him for that purpose, a report showing the entire amount of the reserve on its entire business in force in this State on December 31, preceding, and an itemized schedule of its investments in "Texas securities," which report shall be sworn to by either the president or a vice-president and the secretary of such company. Such report shall contain such other information as may be required by the Commissioner to determine whether or not such company has continuously and in good faith complied with this law, and for that purpose the Commissioner may, whenever he shall deem it proper, require such special or supplemental reports as he may deem necessary.

Sec. 4. Each life insurance company, not organized under the laws of this State, doing business in this State, shall, on or before the first day of March, 1910, and annually thereafter, make a report to the Commissioner of Insurance and Banking of this State, which report shall be sworn to by either the president or a vice-president, and the secretary or treasurer of such company, showing the gross amount of premiums collected during the year ending on December 31, preceding, from citizens of this State upon policies of insurance; and each such company shall pay annually an occupation tax equal to 3 per cent of such gross premium receipts, such occupation taxes to be for and on account of the business transacted within this State during the calendar year in which such premiums were collected or for that portion thereof during which the company shall have transacted business in this State while this act was in force and effect; and upon receipt of such sworn statements showing the gross premium receipts by such company, the Commissioner of Insurance and Banking of this State shall certify to the Treasurer of this State the amount of taxes due by each such company for the preceding year, which taxes shall be paid to the State Treasurer for the use of that State, by such company; upon his receipt of such certificate, the Treasurer shall execute a receipt therefor, which receipt shall be evidence of the payment of such taxes, and no such life insurance company shall receive a permit to do business in this State until such taxes are paid. If upon examination of any company or in any other manner, the Commissioner of Insurance and Banking shall be informed that the gross premium receipts of any year exceeded in amount those shown by the report thereof, theretofore made as above provided, it shall be the duty of the Commissioner to file with the State Treasurer a supplemental certificate showing the additional amount of taxes due by such company which shall be paid by such company upon notice thereof. It shall be the duty of the State Treasurer, if within fifteen days after receipt by him of any certificate or supplemental certificate provided for by this section, the taxes due as shown thereby have not been paid, to report the facts to the Attorney General, who shall immediately institute suit in the proper court of Travis county, to recover such taxes.

That no occupation tax other than herein imposed shall be levied by

the State or any county, city or town upon any life insurance company or its agents, herein subject to the occupation tax in proportion to its gross premium receipts. The occupation tax imposed by this act upon life insurance companies shall be the sole occupation tax which any company doing business in this State under the provisions of this act shall be required to pay after this act shall take effect.

Sec. 5. If any life insurance company, while holding a certificate of authority to transact business in this State, shall fail or refuse to comply with any of the provisions or requirements of this act, it shall be the duty of the Commissioner of Insurance and Banking, upon ascertaining such fact, to notify such company by registered letter, properly addressed and mailed or by any other form of actual notice in writing delivered to an executive officer of such company of his intention to revoke its certificate of authority to transact business in this State at the expiration of thirty days after the mailing of such registered letter, or the date upon which such actual notice is served; and if such provision or requirements are not fully complied with upon the expiration of said thirty days, it shall be the duty of the Commissioner of Insurance and Banking to revoke the certificate of authority of such company, and in case of such revocation such company shall not be entitled to receive another certificate of authority for a period of one year and until it shall have fully and in good faith complied with all such provisions and requirements of this act. Any company feeling itself aggrieved by the action of the Commissioner in revoking its certificate of authority to do business in this State may bring suit against him in the court of Travis county having jurisdiction thereof, to annul and vacate the order revoking such certificate.

Sec. 6. That each life insurance company engaged in doing or desiring to do business in this State shall file with the Commissioner of Insurance and Banking of this State a power of attorney duly executed, constituting and appointing the Commissioner of Insurance and Banking of this State and his successors in office, or any officer or board which may hereafter be clothed with the powers and duties now devolving upon said Commissioner, its duly authorized agent and attorney in fact for the purpose of accepting service for it or being served with citation in any suit brought against

it in any court of this State, by any person, or to or for the use of the State of Texas, and consenting that the service of any civil process upon him as its attorney for such purpose in any such suit or proceeding shall be taken and held to be valid, waiving all claim and right to object to such service or to any error by reason of such service; and such appointment, agency and power of attorney shall by its terms and recitals provide that it shall continue and remain in force and effect so long as such company continues to do business in this State. And said power of attorney shall be signed by the president or a vice-president and the secretary of such company, whose signatures shall be attested by the seal of the company, and said officers signing the same shall acknowledge its execution before an officer authorized by the laws of this State to take acknowledgments; and the said power of attorney shall be embodied in and approved by a resolution of the board of directors of such company, and a copy of such resolution, duly certified to by the proper officers of said company shall be filed with the said power of attorney in the office of the Commissioner of Insurance and Banking of this State, there to remain a record of said department.

Sec. 7. That whenever the Commissioner of Insurance and Banking of this State shall accept service or be served with citation in any suit pending against any life insurance company in this State, as provided by Section 11 of this act, he shall immediately enclose the copy of the citation served upon him, or a substantial copy thereof, in a letter properly addressed to the general manager or general agent of the company against whom such service is had, if it shall have a general manager or general agent within this State, and if not, then to the home office of the company, and shall forward the same by registered mail, postage prepaid, and no judgment by default shall be taken in any such cause until after the expiration of at least ten days after the general agent or general manager of such company, or the company at its home office, as the case may be, shall have received such copy of such citation, and the presumption shall obtain, until rebutted, that such notice was received by such agent or company in due course of mail after being deposited in the mail at Austin.

Sec. 8. That any life insurance company which has deposited securities with the State Treasurer or other depository

in accordance with the terms of the Act of the Thirtieth Legislature of the State of Texas, approved April 24, 1907, and published and known as Chapter 170 of the General Laws of the Thirtieth Legislature, and which act is repealed by Section 19 of this act, may withdraw from such depository any securities so deposited upon the execution and delivery to the State Treasurer or other depository of a proper receipt, for such securities, which receipt shall release the State Treasurer or such other depository of all further liability on account of such deposit.

Sec. 9. The provisions of this act shall not be held to apply to fraternal beneficiary associations, as defined by the laws of this State.

Sec. 10. That any life insurance company not desiring to engage in the business of writing life insurance in this State, but desiring to loan its funds in this State, may obtain a permit to do so by complying with the laws of this State relating to foreign corporations engaged in loaning money in this State without being required to secure a certificate of authority to write life insurance in this State.

Sec. 11. That the Act of the Legislature of Texas, approved April 24, 1907, and published and known as Chapter 170 of the General Laws of the Thirtieth Legislature, entitled "An Act to require all incorporated or mutual companies doing a life insurance business within this State, to invest a part of the reserve set apart on account and for the final payment of policies of insurance written on the lives of citizens of Texas, in Texas, and other securities and Texas property, or in the bonds of the United States or any State of the United States, and to define Texas securities and the property in which such investment may be made and to require that a part of the securities in which such reserve is invested be kept on deposit in the vaults of the Treasury of this State, or in national or State banks or trust companies in Texas, designated as depositories for the security of policyholders, and declaring an emergency," be and the same is hereby repealed, and also that all other laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 12. The fact that the present law relating to life insurance companies does not comport with sound principles of government, and has not inured to the public good, and the fact that Texas securities are as good kind of invest-

ment as any other securities, and are discredited by efforts of the government to compel corporations to invest in our securities, the investment in our securities being a privilege extended to corporations and not a burden imposed upon them, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Pending discussion on the amendment,

Senator Peeler moved to table the amendment, which motion was adopted by the following vote:

Yeas—16.

Alexander.	Peeler.
Brachfield.	Senter.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Ward.
Mayfield.	Willacy.

Nays—8.

Adams.	Murray.
Hume.	Perkins.
Kellie.	Watson.
Meachum.	Weinert.

Absent.

Hudspeth.	Real.
Masterson.	Stokes.
Paulus.	Veale.

Absent—Excused.

Greer.

Senator Hume offered the following amendment:

Amend the bill by striking out "Section 7."

Senator Senter offered the following amendment to the amendment:

Amend the amendment by adding thereto the words "also striking out Section 8."

SENER,  
HUME.

SENATE BILL NO. 200 — HOUSE  
AMENDMENTS CONCURRED IN.

Senator Murray called up

Senate bill No. 200, A bill to be entitled "An Act creating an independent school district to be known as the Goliad In-

dependent School District, including within its limits the unincorporated town of Goliad, in Goliad county, and to provide for the creating of a board of trustees therefor, and authorize the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees power and authority to issue bonds for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and to further prescribe the duties and authorities of said board of trustees."

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 200 as follows:

By striking out all of Section 13, page 8.

Amend Section 16, page 9, by striking out all after the words "the president of the board shall serve without compensation" an insert in lieu thereof the following: "And the secretary of the board shall receive such compensation for his services as may be allowed by the board, not to exceed \$5.00 a month."

Amend Section 19, page 10, by striking out the word "twenty" at the end of line 26, and inserting in lieu thereof the word "fifteen."

Amend Section 24, page 16, by striking out the words "waive the regular proceedings prescribed by general law for the enforced collection of the taxes and."

Amend the numbering of the sections so as to make them numerically consecutive after striking out Section 13.

The motion to concur prevailed by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Bryan.	Stokes.
Cofer.	Veale.
Paulus.	Willacy.

## Absent—Excused.

Greer.

(Lieutenant Governor Davidson in the chair.)

## SENATE BILL NO. 289.

Pending discussion on House bill No. 89,

Senator Hudspeth asked unanimous consent to call up Senate bill No. 289. There was no objection.

The Chair laid before the Senate, on second reading,

Senate bill No. 289, A bill to be entitled "An Act to provide a system of electric power, electric lights and waterworks for the purpose of supplying electric power, electric light and water to the State Capitol, the General Land Office, Governor's Mansion, State University, and the various public institutions of the State of Texas, in the city of Austin, and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin and public roads adjacent thereto, and to secure from the owners, by purchase, or condemnation proceedings, if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant; to make an appropriation therefore, and to declare an emergency."

The committee report was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Thomas.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	

## Absent.

Brachfield.	Veale.
Paulus.	Ward.
Stokes.	Willacy.
Terrell of McLennan	

## Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

## Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

## Absent.

Brachfield.	Terrell of McLennan.
Paulus.	Veale.
Stokes.	Willacy.

## Absent—Excused.

Greer.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(Senator Meachum in the chair.)

## HOUSE BILL NO. 89.

Action recurring on House bill No. 89, the question being on the amendment to the amendment.

## EIGHTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

Grants the request of the Free Conference Committee appointed on part of the House on House bill No. 28 for the appointment of another Free Conference Committee, and the following have been appointed on part of the House:

Messrs. Ray, Lee, Trenckmann, Terrell of Bexar and Maddox.

Also requests the Senate to appoint another Free Conference Committee.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### REFUSE TO GRANT REQUEST FOR NEW FREE CONFERENCE COMMITTEE.

Senator Watson called up the request of the House requesting a new Free Conference Committee on House bill No. 28, and

Moved that the Senate refuse to grant the request for a new Free Conference Committee on House bill No. 28, and that the Senate adhere to the action of the committee formerly appointed.

Senator Harper moved, as a substitute, that the request of the House for the new Free Conference Committee be granted.

(Lieutenant Governor Davidson in the chair.)

Both of the above motions were ruled out of order on a point of order by Senator Watson.

(Senator Meachum in the chair.)

### HOUSE BILL NO. 89.

Action recurred on House bill No. 89, the question being on the amendment and the amendment to the amendment.

The amendment to the amendment was lost by the following vote:

Yeas—11.

Adams.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

Nays—17.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Stokes.
Cofer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Masterson.	Ward.
Mayfield.	

Absent.

Veale. Willacy.

Absent—Excused.

Greer.

Action then recurred on the amendment by Senator Hume, and

Senator Terrell of Bowie moved to table the amendment, which motion was adopted by the following vote:

Yeas—17.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Stokes.
Cofer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Ward.
Masterson.	Watson.
Mayfield.	

Nays—9.

Adams.	Murray.
Hudspeth.	Perkins.
Hume.	Senter.
Kellie.	Weinert.
Meachum.	

Absent.

Real. Veale.  
Terrell of McLennan. Willacy.

Absent—Excused.

Greer.

Senator Hudspeth offered the following amendments:

(1)

Amend the caption of House bill No. 89 follows:

Amend the caption of the bill by adding at the end thereof the following: "And declaring an emergency."

(2)

Amend Section 6 by striking out in line 26, printed bill, of said section after the words "life insurance company" the words "or its agents," and by inserting the words "or its agents" after the words "premium receipts" at the end of the same sentence.

(3)

Amend by striking out Section 7 and inserting in lieu thereof the following:

"Section 7. That each life insurance company not organized under the laws of this State hereafter granted a certificate of authority to transact business in this State shall be deemed to have accepted such certificate and to transact such business thereunder, subject to the conditions and requirements that after it shall cease to transact new business in this State under a certificate of authority and so long as it shall continue to collect renewal premiums from citizens of this State, it shall be subject

to the payment of the same occupation tax in proportion to its gross premiums during any year from citizens of this State as is or may be imposed by law on such companies transacting new business within this State under certificates of authority during such year; provided, that the rate of such tax to be so paid by any such company shall never exceed the rate imposed by this act upon insurance companies transacting business in this State, and each such company shall make the same reports of its gross premium receipts for each such year and within the same period as is or may be required of such companies holding certificates of authority; and shall at all times be subject to examination by the Commissioner of Insurance and Banking, or someone selected by him for that purpose, in the same way and to the same extent as is or may be required of companies transacting new business under certificates of authority in this State, the expenses of such examination to be paid by the company examined; and the respective duties of the Commission of Insurance and Banking in certifying the amount of such taxes, and of the State Treasurer and Attorney General in their collection shall be the same as are or may be prescribed respecting taxes due from companies authorized to transact new business within this State."

(4)

Also amend said bill by striking out Section 8 and inserting in lieu thereof the following:

"Section 8. That any life insurance company which has heretofore been, may now be, or may hereafter be engaged in writing policies of insurance upon the lives of citizens of this State which has heretofore ceased or may hereafter cease writing such policies and which does not now or may not hereafter have a certificate of authority to transact the business of life insurance in this State, but which has continued or may continue to collect renewal or other premiums upon such policies shall, before it may again obtain a certificate of authority to transact the business of life insurance in this State, report under oath to the Commissioner of Insurance and Banking of this State, the gross amount of premiums so collected from citizens of this State upon policies of insurance during each calendar year since the end of the period covered by the last preceding report by such company of gross premium receipts upon

which it paid an occupation tax, and shall pay to the State a sum equal to the percentage of its gross premium receipts for each such year that was required by law to be paid as occupation taxes by such companies doing business in this State during such year or years, and upon the payment of such sum the penalties provided for the failure to pay such taxes and make such reports in the past shall be remitted."

(5)

Amend Section 9 by striking out all of said section after the words "purpose of making" and by inserting in lieu thereof the following: "Investments, as provided by this act."

(6)

Amend Section 11 by striking out the figure "9" in lines 16 and 21, on page 12 and inserting in lieu thereof in each instance the figure "10."

(7)

Amend Section 12 by inserting after the words "person or," in line 5, page 13, the words "by or." Also amend Section 12 by adding after the word "State," in the last sentence of said section, the words "and shall be recorded by him in a book to be kept for that purpose." Also amend Section 12 by striking out the word "to" after the words "person or" in the fifth line from the top of page 13 and inserting in lieu thereof the word "by."

(8)

Amend Section 13 by striking out "11" after the word "section," in line 1, page 14, and inserting in lieu thereof "12."

(9)

Amend Section 15 by striking out "17" after the word "section," in line 7, and inserting in lieu thereof "19."

The amendment having been read once before, Senator Hudspeth moved to dispense with the reading of same, which motion was adopted.

The amendment was adopted.

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 2, page 4, line 13, by striking out the words "is not less than the par value thereof and."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 18, page 15,



by striking out all after the words "as provided therein," in line 29, and inserting in lieu thereof the following words: "Without prejudice to the State or to any company taking the benefit of the provisions of this act."

Senator Senter offered the following amendment, which was read and adopted:

Amend the caption, page 2, line 7 and 8, by striking out the words "at a rate of interest not exceeding four per centum per annum."

Senator Hume offered the following amendment:

Amend Section 19 by striking out the following: "Provided, that nothing in this act shall be held or construed to affect or destroy any rights of the State of Texas to collect penalties or gross receipts taxes from any life insurance company that withdrew from the State after January 1, 1907, but continued to collect premiums and issue renewal receipts on policies theretofore issued, as provided by the terms of Section 8 of the act passed at the First Called Session of the Thirtieth Legislature approved May 16, 1907, and published and known as Chapter 18 of the laws of said session of said Legislature, providing for the levy of occupation taxes, and all taxes now due, or hereafter to come due under the provisions of said act shall be and remain collectible by the State as provided therein; and all penalties due the State for a failure to comply with the terms of said Section 8 of the said act approved May 16, 1907, shall be and remain collectible by the State as hereinbefore otherwise provided."

Senator Peeler moved to table the amendment, which motion was adopted by the following vote:

Yeas—16.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Stokes.
Cofer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Masterson.	Ward.
Mayfield.	

Nays—8.

Adams.	Murray.
Hume.	Perkins.
Kellie.	Watson.
Meachum.	Weinert.

Absent.

Hayter.	Real.
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Veale.  
Senter.

Willacy.

Absent—Excused.

Greer.

Senator Hume offered the following amendment:

Amend Section 12 by striking out the words "an irrevocable," in line 2, page 12, and inserting in lieu thereof the following: "a."

Senator Alexander moved the previous question on the amendment and the bill which motion being duly seconded, was so ordered.

The amendment was lost.

Bill read second time, and passed to a third reading.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Nays—3.

Adams.	Murray.
Hume.	

Absent.

Sturgeon.	Willacy.
Veale.	

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Paulus.	

## Nays—4.

Adams.  
Hume.

Kellie.  
Murray.

## Absent.

Thomas.  
Veale.

Willacy.

## Absent—Excused.

Greer.

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## NINTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 146 by the following vote: Yeas, 98; nays, 2.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## SENATE BILL NO. 261—HOUSE AMENDMENTS CONCURRED IN.

Senator Peeler called up

Senate bill No. 261, A bill to be entitled "An Act to amend Section 2, Article 1 of the Special Laws of Texas, passed at the Regular Session of the Thirty-first Legislature, entitled 'An Act to grant a new charter to the city of Austin, Travis county, Texas'; repealing all laws and parts of laws in conflict herewith, and declaring an emergency, approved February 3, 1909,"

And moved that the Senate concur in the following House amendments:

Amend the caption of Senate bill No. 261 so that the same shall read as follows:

"A bill to be entitled 'An Act to amend Section 2, Article 1, and Section 2 of Article 12 of the Special Laws of Texas, passed at the Regular Session of the Thirty-first Legislature, entitled "An Act to grant a new charter to the city of Austin, Travis county, Texas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency," approved February 3, 1909, so as to define the boundaries of the said city of Austin, and providing the method of levying and collecting taxes in said city.

and giving the city council power to promise and settle the bonded indebtedness of said city, and declaring an emergency.'"

Amend said bill by adding at the end of Section 1 thereof the following: That Section 2 of Article 12 of the above described act be so amended as to hereafter read as follows:

Section 2. The city council shall have the power within the city by ordinance to levy and collect an annual tax, not exceeding for all purposes, including taxes levied for the support of public schools, two and one-half per cent of property value within the said city, as follows:

(1) An annual tax not exceeding one per cent on all property within the limits of said city, made taxable by law for State and county purposes, the money raised by said taxes to be used for current expenses and for general improvement of the city and its property, and at least one-fourth thereof shall be set apart and devoted to the improvement of streets and building of bridges within the city, and a part of said general revenue, not to exceed one-fourth of one per cent of the total taxable values as aforesaid of said city may, by the city council, be appropriated and pledged for the liquidation, settlement and payment of the money to become due by virtue of the terms of any contract heretofore made by the city for the purchase of any water, light or power plant.

(2) To raise such further amount as may be necessary for the maintenance of the public schools of the city, not to exceed thirty-three and one-third cents on the \$100 worth of taxable property, unless the qualified taxpaying voters of the city shall by a two-thirds vote provide for an increase in such amount, and in no event shall it exceed 50 cents on the \$100 valuation.

(3) To raise such further amount as may be necessary to pay interest and two per cent sinking fund annually on all bonded debts of the city.

(4) To raise money on the credit of the city for a special and definite purpose, by issuing bonds of the city or otherwise, provided the bonded debts of the city shall only be increased by a special act of the Legislature or by consent of two-thirds of the qualified voters in said city who pay taxes on property, real or personal, in said city. All persons owning property, real or personal, subject to taxation in said city on the first day of January next preceding primary election that may be

held to obtain such consent shall be deemed to be persons who pay taxes on property in said city. Such election shall be ordered by the city council, and notice thereof shall be given for at least thirty days by the mayor, in such manner as may be prescribed by the city council; provided, that whatever power the city council may have possessed or acquired under the charter in force in said city prior to the passage of this act, through any election held under said charter to increase the indebtedness of said city, is hereby continued and perpetuated in said council, and may be exercised under this act with the same effect that such power might have been exercised under this charter, if this act had not been passed, and to no further force or extent under this act than might have been done without the passage of this act; provided, that lands within the limits of the city which have not been laid off into blocks and lots shall not be assessed for taxes otherwise than by the acre, and shall continue to be so assessed and taxed, until laid off into lots and blocks by the owners thereof, and the owners of such lands, in laying off the same into lots and blocks shall so arrange the streets that they will correspond as nearly as practicable with previously established streets of the city.

(5) That all such bonds shall specify for what purpose they are issued, and provisions shall be made to pay the interest and the sinking fund of two per centum of the principal to redeem or pay the bonds.

(6) Neither the money for which such bonds may be sold nor the money raised to pay the interest and sinking fund thereof, shall be diverted to any other purpose, and the city treasurer shall not honor any draft drawn on said interest and sinking fund except to pay the interest on said bonds or to redeem the same, except as hereinafter provided.

(7) Whenever the accumulated sinking fund upon any issue of bonds shall amount to as much as \$1000, the same shall be applied at once to the discharge of a like amount of said bonds, and should the city not be entitled to redeem any of such series, and the holders be unwilling to surrender the same, said fund shall be invested in other valid interest-bearing bonds of the city of Austin, or of the United States, or of the State of Texas, as the council may determine, and when so invested the bonds purchased and the interest thereon shall be held as a trust for the particular fund from which the money was

taken, and shall not be sold or otherwise used except for the purpose of retiring the original bonds for whose use the fund was created, but all moneys collected on account of the sinking fund shall be annually applied exclusively to the redemption and retirement of the refunding bonds to be issued hereunder. If such refunding bonds can not be purchased in the market at or below par, then such sinking fund shall be used to retire such refunding bonds by drawing the same by lot under regulation to be prescribed by the city council.

(8) The said city council shall have power and authority to refund, fund, compromise, adjust, scale or settle all or any part of the bonded indebtedness of said city, and for that purpose shall have the power, and it is hereby specially authorized to levy a tax of one and sixteen and two-thirds hundredths (1.666) per centum, or so much thereof as may be necessary for said purpose, and while any of the refunding bonds heretofore issued by the city are outstanding, the power to levy said tax shall not be decreased, impaired or curtailed. The right of the city of Austin to levy said tax is a part of the contract in the issuance of said bonds; such tax to be levied when and as other taxes of the city are levied, and in the event of the failure of the city council to levy such tax, neither of the district courts in and for Travis county, or the United States Circuit Court, or a judge of the United States Circuit Court for the circuit in which is located the city of Austin, is authorized to make and grant on the application of any holder of any said refunding bonds a mandamus to compel such levy, and such mandamus may be granted without judgment being first had on account of such bond. If at any time, for any reason whatever, the maximum tax possible of collection shall not be sufficient to pay the interest and also provide for the sinking fund, then and in that event the taxes collected shall first be appropriated and used to pay all accrued interest or interest to accrue during the year for which such tax levy is made in full before any part thereof shall be appropriated for the sinking fund. In case any suit or suits shall at any time be instituted against the city of Austin to enforce the payment of the principal or interest of any refunding bonds, or to compel the levy or collection of the taxes herein prescribed, no defense, either in law or in equity, shall be admitted in any of the courts of this State, except

such as originated upon or subsequent to the issuance of such refunding bonds. The payment of the principal or interest of any bonds which may be issued by the city of Austin after the due authorization of the refunding bonds provided for herein shall be subject to the payment in full of the principal and interest and the creation of the sinking fund of two (2) per centum per annum of all such refunding bonds issued under such authorization, or which may be thereafter issued under such authorization, before any part of the tax collected by the said city shall be applied to such other bonds of the city. While any of said bonds shall be outstanding the city of Austin shall not sell, lease, rent or otherwise part with the possession of its water, light and power properties, and all moneys, net income, derived from the operation of such plants shall be paid into and become a part of the sinking fund for the redemption of such refunding bonds, and shall be applied in the same manner as the sinking fund derived from the collection of taxes, subject, however, to the pledge of such net income contained in the bonds of the city of Austin known as the "Water-works and Electric Light Bonds of 1890," and in the ordinance authorizing them, while any of such bonds shall remain outstanding; provided, however, that nothing in the charter of the city or in these amendments thereto shall be so constructed as to prohibit the city from selling disused property formerly purchased and used by it in the operation of its water power plant, situated at and near the dam of the city across the Colorado river, and the right to sell such disused property as may not be necessary for the present operation of its steam, water, light and power plant is hereby expressly conferred upon the said city, to be exercised whenever same shall be by it deemed expedient and desirable, but nothing herein contained shall be so construed as to make it the duty of the city to sell any of said material or property until such sale shall by it be deemed expedient and desirable; and all of said material and property shall be deemed to be held for public use until so sold, and shall never be subject to execution sale or other forced sale at the instance of any creditor or creditors of the city. While any of said refunding bonds shall be outstanding the corporate limits of the city of Austin, as at present defined, shall not be decreased or lessened for taxation purposes or otherwise.

(9) The city council shall have the power by ordinance to regulate the mode and manner of making out tax lists, inventories and appraisements of property for taxation and to prescribe the oath that shall be administered to each person on such rendition of his property, and to prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls, and to fix the duties and define the powers of the city assessor and collector and adopt such measures as the council may deem advisable to secure the assessment of all property subject to taxation within the city, and to collect the taxes due thereon, and may by ordinance provide that any person, firm or agent in control, having property subject to taxation, or being liable for any tax under the provisions of the charter and neglecting, failing or refusing to render a list, inventory and appraisal thereof, or failing or refusing to make oath thereto, as required by the ordinance of said city, shall be liable to fine and imprisonment or either as may be prescribed.

(10) The city council shall have full power and authority to provide by ordinances for the seizure and sale by the city assessor and collector of a sufficient amount of personal property of any delinquent taxpayer to pay all taxes due by said delinquent to the city, together with all interest, penalties and costs, which seizure and sale shall be made without the necessity of any writ, and by virtue of the tax rolls of said city, which shall be sufficient warrant for said purpose, and such sale shall be conducted and notice given in the same manner as now provided by law for sale of personal property by county tax collectors, and at such sale the purchaser shall acquire absolute title to the property sold.

(11) The city council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales by the assessor and collector of property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference to such advertisement and sales, and to pass all ordinances necessary to enforce the collection of taxes; provided, that such ordinances shall allow any person whose real property has been sold for taxes at least two years from the date of the collector's deed to redeem the same, by paying double the amount paid for same; provided further, that any such proceeding so perpetuated shall

be received in evidence in any court where the title conferred by the collector shall be called in question.

(12) All taxes due the city of Austin shall be payable at the office of the city assessor and collector, and may be paid at any time after the tax rolls for the year have been completed and approved, and no demand shall be required to be made upon any taxpayer whose duty it shall be to attend at the collector's office and pay the same as aforesaid. All taxes levied and now uncollected for the year 1908 shall be paid by April 1, 1909, or thereafter bear interest at the rate of 6 per cent per annum, and all taxes hereafter to be levied for the year 1909 and subsequent years shall be paid by the first day of April of the year succeeding the levy, and when not paid by April 1 shall thereafter bear interest at the rate of 6 per cent per annum, and in addition the city council may provide by ordinance that there shall be collected an additional 5 per cent upon the amount of such taxes, as a penalty against the person, firm or corporation failing, neglecting or refusing to pay such taxes by the time when the same begin to bear interest as aforesaid, which penalty shall be collected by seizure and sale of property of the delinquent or by suit the same as herein provided for the collection of taxes, but the city council shall not have the power of repealing any tax levy after it has once finally passed same, and after taxes have been partially collected hereunder.

(13) All property of railroad companies of whatever description lying and being within the city of Austin on the first day of January of each year shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered for taxation for any year, the same shall be assessed and taxes collected thereon in the same manner as herein provided for other unrendered property of previous years.

(14) The annual assessment of taxes made by the city of Austin upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all taxes and penalties due by such delinquent; provided, that the homestead of such delinquent shall only be liable for the taxes due thereon.

(15) If it comes to the knowledge of the city assessor and collector at any time after the levy of taxes for the year

that any personal property subject to taxation in the city is about to be removed from the city, and the owner of such property has not other tangible property in the city sufficient to satisfy all assessments against him, the assessor and collector shall, if said property has not been assessed, proceed at once to assess the same, and he shall thereupon levy upon a sufficiency of such property to satisfy such taxes and all costs, and sell the same as provided in the preceding section, and the ordinance levying taxes for the year and the assessment made upon such property shall be sufficient warrant for so doing, and to vest title in the purchaser.

(16) All real and personal property in the city of Austin upon the first day of January of each year, and subject to taxation by said city, shall stand charged with a special lien in favor of the city, for all taxes levied against the owner thereof during the year, superior to all mortgages and other liens thereupon, except the liens for State and county taxes, and all persons purchasing the same after the first day of January of any year shall take same subject to such lien, and the city may intervene in any suit for the foreclosure of any other lien, and assert its right, or may institute an independent suit and make all mortgages and lien holders and subsequent purchasers parties for the purpose of enforcing its lien, or recovering personal judgment for the conversion of the security here given it, for the collection of its taxes, and the said city shall be authorized and it is hereby made the duty of the city assessor and collector to file the proper statement of its taxes in any court of bankruptcy administering the estate of any bankrupt taxpayer.

(17) The city of Austin shall be authorized, and it is hereby given the right to institute suit in any court in Travis county having jurisdiction under the Constitution and laws of the State, at any time after taxes became due and are delinquent as herein provided, and recover personal judgment for the amount of taxes remaining unpaid by any person, firm or corporation, together with all interest, penalties and costs, and if any part of any such delinquent tax shall be due upon any landed property the city shall have the right in the same, or any subsequent suit, to have its lien thereon foreclosed, and such property sold as provided by law in the foreclosure, and sale of property under mortgage or other lien; provided, that in

all cases where lands are sold the owner shall have the right within two years of the day of sale to redeem his land from the purchaser under such judgment upon the payment of double the amount of money paid for the land, and failing so to do, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption shall constitute part of the judgment and deed made to the purchaser, and in such cases need not be inserted therein.

(18) In all suits for the foreclosure of a lien upon lands or lots by the city, if the defendants or any of them be alleged to reside in any other county of the State of Texas, it shall not be necessary to serve such person with a copy of the petition, and service of citation shall be made by delivering a copy thereof in the manner provided by law for service of citation upon persons residing in the county where suit is brought, and if the defendants, or any of them, are alleged to be non-residents of the State, or if it be alleged that the residence of such defendant is unknown, or the owner or owners of said land or lots are unknown, and the city assessor and collector shall make oath to that effect at the time of filing the petition, or at the time subsequent thereto the clerk of the court shall thereupon issue notice in substantially the following form:

"The State of Texas: To the owner or owners and all persons claiming any interest in the lands hereinafter described: You are hereby notified that the city of Austin filed suit in a district court in Travis county (..... district) on the ..... day of ....., A. D. .... No. ...., claiming that taxes, interest and penalties are due it by you upon the following described land situated in the city, as follows, viz.: (Here set out description of the land as contained in the petition and state the aggregate amount claimed against each tract for each year.)

"You are, therefore, commanded to appear and answer in said court at the next regular term to be held in the courthouse of said county in the city of Austin, beginning on the ..... day of ....., A. D. .... and show cause why judgment shall not be rendered condemning said land and ordering foreclosure of sale thereof for said taxes, interest, penalties and costs of suit."

Which said notice shall be dated and signed by the clerk, with the seal of the court as other writs, and shall be delivered to the sheriff and executed by caus-

ing the same to be published in some newspaper published in the city of Austin once a week for four successive weeks prior to the return day thereof. Publication of said notice shall be shown by the return of the sheriff or his deputy endorsed or attached thereto, which shall show when the same was executed and the manner thereof, specifying the dates of such publication, and shall be accompanied by a printed copy of such publication, and shall be signed by him officially.

(19) In case of service of notice by publication, as provided in the preceding section, the case shall stand for trial at the second term of the court. The suit shall be held in all respects to be proceeding the rem, and the court shall hear proof and render judgment in favor of the city of Austin against each parcel of land for the amount of tax, interest, penalty and costs legally chargeable against the same, and shall foreclose the lien of the city thereon and condemn the land to be hold as under execution for the purpose of satisfying such judgment; provided, that for the purpose of foreclosing the lien of the city on all lands and lots, where the owner or owners thereof are alleged to be unknown, it shall be necessary to institute a separate suit against each piece of property, and all such property may be embraced in one suit, and judgment entered against each parcel, and condemning the same to be sold as aforesaid; and provided, further, that in all cases where lands are sold under judgment based upon service by publication, the owner shall have the right within two years from the day of sale to redeem his land from the purchaser of such judgment upon the payment of double the amount of money paid for the land, and failure to do so, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption here given shall constitute a part of the judgment and deed made to the purchaser in such case, and need not be inserted therein.

(20) It shall be competent in all cases to supplement the description contained in the assessment rolls with full proof of the identity of the lot, tract or parcel of land therein assessed, and in suits to enforce collection of taxes by the city, such additional matters may be inserted in petition, and reference may be made to any map, plat or survey of said city, or of any addition or subdivision made thereto, or to any deed, decree or other

instrument describing the same, which shall be on file or of record in the General Land Office of Texas, or in the office of the district or county court of Travis county, and such reference shall constitute part of such petition and all proceedings had in said suit.

(21) When any property, real or personal, is sold to enforce the collection of taxes, the city of Austin shall not become the purchaser thereof unless no one else is present who will purchase the same and pay the full amount due the city, including all costs and penalties, and it is hereby made the duty of the mayor or the person acting as such to attend all sales and bid thereat for the city, and upon such sale the officer making the same shall execute to the city or other purchaser proper evidence of the title, and to place the purchaser in possession as provided by law.

(22) All levies of ad valorem taxes heretofore made by the city of Austin, and all assessments theretofore made, and all assessment rolls heretofore made and placed in the hands of the city assessor and collected for collection, are hereby validated, and the same shall be legal and binding regardless of any irregularities that may exist in the manner of making such levies, and the making and returning of such assessment rolls; provided, that this section shall not be construed as an attempt to validate any penalty heretofore imposed or tax levied in excess of the amount which the city could levy under the Constitution; and provided further, that all the provisions of this section shall not be construed as to affect the result of any suit filed by the city of Austin prior to the passage of this act.

(23) The action of the city of Austin in taking charge of public free schools within its limits by proceedings had in the month of August, 1880, is hereby validated, and the city is hereby constituted a separate and independent school district under the Constitution and laws of the State. The action taken in placing the control of the free schools and all property pertaining thereto in a board of trustees is hereby confirmed, and all property, real and personal, heretofore acquired and now being administered by said board of trustees in connection with the management of said free schools is hereby confirmed in said board and all levies of taxes heretofore made for the support and maintenance of said public free schools in said city and which remain uncollected are here-

by validated and declared legal and binding upon the persons and property subject to taxation in said city, and the city council shall continue to levy and collect the rate of special taxation adopted or which may be adopted by vote of the people for said purpose and deliver the same to said board of trustees in accordance with the General Laws of the State upon the subject.

(24) If the city assessor and collector shall discover any property, real or personal, which was subject to taxation for any year heretofore, and which from any cause has escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation levied for the year or years it was omitted, and enter the same as a supplement to his next roll, stating the year, and that taxes thereon shall be collected in the same manner as other assessments; provided, that such supplement rolls may be made at any time and reported to the city council for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed upon such supplement rolls shall be due at once upon the approval of such rolls by the city council, and if not paid within sixty days thereafter, shall bear interest at the rate of six per cent per annum, and may be collected by seizure and sale or suit, as herein provided for the collection of other taxes.

(25) The city assessor shall list all property which for any cause has not been rendered to him for taxation in such form as may be prescribed by ordinance, and place such valuation thereon as he may deem just. If any owners of such property are unknown to the assessor he shall so state, and such assessment shall be sufficient warrant for the collection of taxes due upon said property by seizure and sale of suit, as herein provided for the collection of taxes on other property.

(26) No taxes due the city of Austin shall ever be held to be barred by any statute of limitation, and no irregularity in the time and manner of making the annual levying of taxes, or in making any inventory, list of appraisement, or in making or returning the city assessment rolls or the approval thereof, shall ever be held to invalidate any assessment, and all taxes heretofore levied by the city council of said city and which are unpaid, are hereby continued in force, and may be collected by seizure and sale of the property of the person so



owning the same or by suit as herein provided.

(27) In all suits for the collection of taxes which have been heretofore or which may be hereafter levied upon the tax rolls of said city, or a certified statement made therefrom by the assessor and collector shall be prima facie evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof (subject to rebuttal only by pleading and proof by defendant) of the following facts, viz:

(a) That the person, firm or corporation therein shown to be a taxpayer was such, and owned the property therein listed, and that such property was subject to taxation in said city, and was rendered by such person, firm or corporation, or by his or its agent, at the value placed thereon in such rolls.

(b) That the taxes due upon such property were duly and legally levied for the purposes shown to such rolls, and that the same are valid and unpaid.

(c) That all acts and proceedings required by law or by ordinance of said city in the manner of rendering, appraising and fixing of values upon said property and the giving of all notices to such taxpayers have each and all been performed and complied with at the time and in the manner and form required, and that all things that might be construed as conditions precedent to the lawful demand upon such taxpayers to pay the amount of taxes in such rolls shown to be due by him or them have been performed at the time and in the manner required by law; provided, that in the event the defendant shall show that his property was voluntarily rendered by him, and that the valuation of the same was subsequently changed by the assessor or board of equalization without notice to him or his agent, or shall be shown that the said rate of taxation for any purpose was to any extent illegal, judgment shall thereupon be rendered against him for the proper amount due, based upon the value of his property as rendered by him, and the amount of tax which is found to be legal.

(26) All property, real, personal or mixed, made taxable by the laws of the State of Texas, which is situated in the city of Austin on the first day of January of each year, and all personal property owned and controlled by persons residing herein and taxable by law at the place where the owner or agent in charge may reside, shall be subject to

taxation by said city for all purposes provided in this charter, including the support of the public free schools of this city.

Sec. 2. Amend the bill by adding the following as section thereof, to-wit:

"Section 2. The fact that the boundaries of the city of Austin as set out in the law mentioned above and amended by this act should be changed at once, and the fact that the provisions in said law for levying and collecting taxes is imperfect and incomplete, and the fact that the time for rendering property for taxation is now at hand, creates an emergency and an imperative public necessity exists that the constitutional rule requiring that bills be read on three several days be suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted."

The amendments were not read, on motion of Senator Peeler.

The motion to concur prevailed by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Thomas.

Veale.

Absent—Excused.

Greer.

Senator Peeler moved to reconsider the vote by which the motion to concur prevailed, and lay that motion on the table.

The motion to table prevailed.

#### BILL READ AND REFERRED.

The Chair (Senator Meachum) had referred, after its caption had been read, the following House bill:

House bill No. 586, referred to Committee on Judiciary No. 1.



### CHANGE IN FREE CONFERENCE COMMITTEE.

Senator Watson here moved that Senator Hayter be excused from the Free Conference Committee on House bill No. 28 and that Senator Hudspeth be appointed on the committee to fill the place.

The motion prevailed.

### HOUSE BILL NO. 336.

Senator Alexander called up by unanimous consent, and

The Chair laid before the Senate, on second reading,

House bill No. 336, A bill to be entitled "An Act to amend Section 10 of Chapter 23 of the General Laws of the First Called Session of the Thirtieth Legislature, entitled 'An Act prescribing franchise taxes to be paid by private, domestic and foreign corporations for the exercise of the privilege of doing business within the State of Texas, and providing for the collection thereof; prescribing conditions upon which foreign corporations may obtain permits to do business, and for the surrender of such permits; fixing a basis for the computation of the amount of such taxes, and providing for reports of officers of such corporations in connection therewith, and making it a misdemeanor to fail or refuse to make such report, and fixing a penalty therefor; prescribing the times and manner of making payments of such franchise taxes; providing for penalties for failure to make prompt payments of such taxes; providing for the forfeiture without judicial ascertainment of the right of such defaulting domestic or foreign corporation to do such business because of failure to pay taxes and penalties as prescribed by this act, and for the revival of such rights; providing for the forfeiture by a judgment of any court of competent jurisdiction of the charter of such defaulting corporation because of failure to pay such taxes and penalties within the time allowed by this act for payment thereof; extending the time within which and prescribing conditions upon which such domestic and foreign corporations which are now in default in payment of franchise taxes and penalties may pay same and have their right to do business revived, and providing that failure of any such domestic corporation to do so shall constitute a sufficient ground for forfeiture of its charter, prohibiting offi-

cers and stockholders of such defaulting corporations from doing business in or under the corporate name of such corporation or using signs or advertisements such as those used by such corporations, and providing punishment therefor; exempting certain classes of corporations from the provisions of this act; fixing venue of civil suits to enforce the provisions of this act; requiring clerks of courts to certify to the Secretary of State the status of such suits; prescribing the duties and powers of the Secretary of State under the provisions of this act; repealing Articles 5243i and 5243j, as amended by Chapter 19 of the General Laws of the Twenty-ninth Legislature, and Chapter 72 thereof, and any and all laws in conflict with the provisions of this act, and declaring an emergency'; extending until the first day of September, 1909, the time during which corporations embraced within the terms of said act may pay to the Secretary of State franchise taxes and penalties referred to in said act, and have their rights to do business revived, and providing for forfeiture of the charters of such domestic corporations as may fail so to do, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Bryan.	Thomas.
Real.	Veale.
Terrell of McLennan.	

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Murray.
Brachfield.	Paulus.
Cofer.	Peeler.
Harper.	Perkins.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Adams.	Terrell of McLennan.
Bryan.	Thomas.
Real.	Veale.

Absent—Excused.

Greer.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### TENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Joint Resolution No. 22, To amend Section 1, Article 8 of the Constitution of the State of Texas, relating to taxation by exempting cotton and woolen mills' manufacturers, including grounds, machinery and property incident to such business.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### RECESS.

On motion of Senator Peeler, the Senate recessed until 8:30 o'clock tonight.

#### AFTER RECESS—NIGHT SESSION.

The Senate was called to order by Lieutenant Governor Davidson.

#### LOCAL BILLS.

The Senate proceeded to the consideration of local bills, which had been previously provided for by simple resolution, beginning with Senator Thomas.

#### HOUSE BILL NO. 530.

Senator Thomas called up House bill No. 530, there being no objection.

The Chair laid before the Senate, on second reading,

House bill No. 530, A bill to be entitled "An Act creating the Shamrock Independent School District in Wheeler county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district, and investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only, under the general laws, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Mayfield.	Stokes.
Paulus.	Terrell of McLennan.
Senter.	Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Brachfield.
Alexander.	Bryan.

Cofor.	Perkins.
Harper.	Real.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Absent.

Holsey.	Senter.
Mayfield.	Stokes.
Meachum.	Veale.

Absent—Excused.

Greer.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### RESOLUTION REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred to Committee on Constitutional Amendments, House Joint Resolution No. 22.

#### HOUSE BILL NO. 587.

Senator Hayter called up, and

The Chair laid before the Senate, House bill No. 587, A bill to be entitled "An Act to create a more efficient road system for Montague county, in the State of Texas."

The committee report, providing that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Hayter, the constitutional rule requiring bills to be read on three several days was suspended and the bill was put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofor.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Murray.	Weinert.

Absent.

Adams.	Stokes.
Mayfield.	Veale.
Meachum.	Willacy.

Absent—Excused.

Greer.

The bill was read third time, and passed.

Senator Hayter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 615.

Senator Peeler called up, and

The Chair laid before the Senate, on second reading,

House bill No. 615, A bill to be entitled "An Act to amend Section 3 of Chapter 79 of the Acts of the Thirtieth Legislature, passed at the Regular Session, 1907, so that it shall hereafter read as follows, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Adams.	Senter.
Cofor.	Stokes.
Mayfield.	Veale.
Meachum.	

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—22.

Alexander.	Bryan.
Brachfield.	Cofor.

Harper.	Perkins.
Hayter.	Real.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.

Absent.

Adams.	Senter.
Hume.	Stokes.
Mayfield.	Veale.
Meachum.	Willacy.

Absent—Excused.

Greer.

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### ELEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 528, A bill to be entitled "An Act to lease to the board of trustees of the Confederate Woman's Home of Austin, Texas, certain described property belonging to the State of Texas, located in the city of Austin."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after its caption had been read, the following House bill (see above message for caption):

House bill No. 528, referred to Committee on State Affairs.

#### FREE CONFERENCE COMMITTEE REPORT.

By Senator Hayter:

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Gentlemen: We, your Free Confer-

ence Committee on House bill No. 28, have had same under consideration, and in order to adjust the differences between the two houses respectfully recommend the following:

That the House accept and adopt the following Senate amendments:

(1)

Amend the caption as appearing in engrossed rider as follows:

After the phrase providing for a Pure Food Commissioner, add the words "one stenographer," and after the word "assistants" add the word "chemist," and add after the words "fiscal year" the words "and providing the payment of unpaid salary and expenses of the Pure Food Commissioner and his assistants that accrued under Chapter 39 of the Acts of the General Laws of the Thirtieth Legislature."

(2)

Amend the engrossed rider by striking out the following: "Amend in line —, page —, by inserting 'that no sulphur or lime shall be used in the manufacture of table syrup to be sold in the State of Texas.'"

(3)

Amend Section 3, paragraph (a) by striking out after the word "phenacetine" the following words: "or other substances physiologically potent."

(4)

Amend Section 3, paragraph (b), of the engrossed bill, lines 9 and 10, by striking out after the word "phenacetine" the following: "or other substances physiologically potent."

(5)

Amend Section 26 by adding the following: "And providing for the payment of any unpaid salary and expenses of the Dairy and Food Commissioner and his assistants that accrued under Chapter 39 of the Acts of the General Laws of the Thirtieth Legislature."

(6)

Amend the bill by striking out all after the word "blends" in line 6, page 5, and all of line 7, page 5, and all of line 8, page 5, down to the word "that."

(7)

Amend the engrossed bill by striking out after the words "fluorine compounds"

in Section 6, the words "saccharine, alcohol," and after the word "cocaine" by striking out the words "caffeine, theine or any preparation of lead, copper," and after the words "mineral acid" add the following words, "except phosphoric acid," and after the words "phosphoric acid" the words "any preparation of lead or copper," and add after the word "bleaching" the word "clarifying."

(8)

Also strike out of line 3, Section 6, the words "or borates."

(9)

Amend Section 11 by striking out all after the last word "than" in line 5 and insert in lieu thereof "\$200."

Respectfully submitted,

RAY,  
TERRELL of Bexar,  
TRENCKMANN,

On the part of the House.

HUDSPETH,  
WATSON,  
ALEXANDER,  
PEELER,

On the part of the Senate.

On motion of Senator Hume, the above report was adopted by the following vote:

Yeas—24.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of
Holsey.	McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Adams.	Senter.
Mayfield.	Stokes.
Meachum.	Veale.

Absent—Excused.

Greer.

## TWELFTH HOUSE MESSAGE.

Hall of the House of Representatives.  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bill:

Senate bill No. 178, A bill to be entitled "An Act to promote the safety of employes and travelers upon railroads in this State by limiting the hours of service of conductors, engineers, firemen and brakemen, by making it unlawful for any railroad company, or the receiver of any railroad company or any officer or agent of such railroad company or receiver to require or permit any conductor, engineer, fireman or brakeman to be or remain on duty for a longer period than sixteen consecutive hours, by providing for the relief of any conductor, engineer, fireman or brakeman, after having been continuously on duty for sixteen hours, and preventing his being required or permitted again to go on duty until he has had at least ten consecutive hours off duty, and preventing his being required or permitted to continue or again go on duty without having at least eight consecutive hours off duty after he has been on duty sixteen hours in the aggregate in any twenty-four hours period, by imposing a penalty for each violation by any railroad company, or receiver of any railroad, or any of the officers or agents of such company, or receivers, for each and every violation of this act, and by prescribing the venue of suits to recover penalties for violations of this act, and the officers by whom their suits shall be brought, and declaring an emergency."

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

## HOUSE BILL NO. 496.

Senator Murray called up House bill No. 496, there being no objection.

The Chair laid before the Senate, on second reading,

House bill No. 496, A bill to be entitled "An Act to amend Section 2 of Chapter 116 of the General Laws of the Twenty-ninth Legislature, relating to the fee for filing annual statements of Printers' Mutual Fire and Storm Insurance Association, and to the treasurers' bonds of such associations."

(Senator Brachfield in the chair.)

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Murray, the constitutional rule requiring bills to be

read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Senter.
Mayfield.	Stokes.
Meachum.	Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 607.

Senator Cofer called up House bill No. 607.

The Chair laid before the Senate, on second reading,

House bill No. 607, A bill to be entitled "An Act creating an independent school district, in the county of Grayson, to be known as the Dorchester Independent School District."

On motion of Senator Cofer, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Cofer.	Kellie.
Harper.	Masterson.
Hayter.	Murray.

Paulus.	Terrell of McLennan.
Peeler.	Thomas.
Perkins.	Ward.
Real.	Watson.
Sturgeon.	Weinert.
Terrell of Bowie.	Willacy.

Absent.

Adams.	Senter.
Mayfield.	Stokes.
Meachum.	Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—21.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Masterson.	

Present—Not Voting.

Murray.	Sturgeon.
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Absent.

Adams.	Stokes.
Mayfield.	Terrell of McLennan.
Meachum.	Veale.
Senter.	

Absent—Excused.

Greer.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 297—REFUSE TO CONSIDER.

Senator Cofer called up for Senator Greer, who was absent, House bill No. 297.

The bill was read, and there was objection to the consideration, it being a general bill.

The bill was passed.

#### HOUSE BILL NO. 162—REFUSE TO CONSIDER.

Senator Hume called for House bill

No. 162, but there was objection to considering the bill.

The Chair sustained the point of order by Senator Masterson that the bill was not local in its nature.

#### HOUSE BILL NO. 525.

Senator Weinert called up House bill No. 525.

The Chair laid before the Senate, on second reading,

House bill No. 525, A bill to be entitled "An Act to require the Governor to appoint an inspector of hides and animals for the county of Parmer, and place said county under the provisions of Articles 5002 to 5042, inclusive, Revised Statutes of 1895, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Present--Not Voting.

Cofer.

Absent.

Adams.	Senter.
Hudspeth.	Stokes.
Meachum.	Thomas.
Real.	Veale.

Absent—Excused.

Greer.

The bill was read third time, and was passed by the following vote:

Yeas—23.

Alexander.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kellie.
Harper.	Masterson.
Hayter.	Murray.
Holsey.	Paulus.

Peeler.	Terrell of McLennan.
Perkins.	Ward.
Real.	Watson.
Stokes.	Weinert.
Sturgeon.	Willacy.
Terrell of Bowie.	

Absent.

Adams.	Senter.
Cofer.	Thomas.
Mayfield.	Veale.
Meachum.	

Absent—Excused.

Greer.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### THIRTEENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 223, A bill to be entitled "An Act to amend Article 4833, Chapter 1, Title 98 of the Revised Civil Statutes of the State of Texas, relating to the annual salary of the Superintendent of Public Buildings and Grounds, and fixing the same as \$2500 per annum, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILL READ AND REFERRED.

The Chair (Senator Brachfield) had read and referred, after its caption had been read, the following House bill (see above message for caption of):

House bill No. 223, referred to Committee on Finance.

#### HOUSE BILL NO. 417.

Senator Sturgeon called up House bill No. 417.

The Chair laid before the Senate on second reading,

House bill No. 417, A bill to be entitled "An Act to validate the incorporation of the city of Rule in Haskell county, and declaring an emergency."

The committee report, which provided

that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Present—Not Voting.

Real. Sturgeon.

Absent.

Cofer.	Veale.
Meachum.	Watson.
Senter.	

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

Present—Not Voting.

Bryan.

Absent.

Cofer.	Veale.
Meachum.	Watson.
Senter.	

Absent—Excused.

Greer.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 567.

Senator Harper called up House bill No. 567.

The Chair laid before the Senate on second reading

House bill No. 567, A bill to be entitled "An Act to require the Governor to appoint an inspector of hides and animals for the county of Oldham and place said county under the provisions of Articles 5002 to 5042, inclusive, Revised Statutes of 1895, and declaring an emergency."

On motion of Senator Sturgeon, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Present—Not Voting.

Sturgeon.

Absent.

Adams.	Stokes.
Meachum.	Veale.
Senter.	Watson.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Harper.	Kellie.
Hayter.	Masterson.



Mayfield.	Terrell of Bowie.
Murray.	Terrell of McLennan.
Paulus.	Thomas.
Peeler.	Ward.
Perkins.	Weinert.
Real.	Willacy.
Sturgeon.	

Absent.

Adams.	Stokes.
Cofer.	Veale.
Meachum.	Watson.
Senter.	

Absent—Excused.

Greer.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 580.

Senator Kellie called up House bill No. 580.

The Chair laid before the Senate, on second reading,

House bill No. 580, A bill to be entitled "An Act to create a more efficient road system for the counties of Newton, Jasper and Sabine, composing the Twentieth Representative District of Texas, etc., and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Kellie, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Hayter.	Real.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Senter.
Cofer.	Stokes.
Harper.	Veale.
Meachum.	Watson.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Real.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of
Hume.	McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Stokes.
Cofer.	Veale.
Meachum.	Watson.
Senter.	

Absent—Excused.

Greer.

Senator Kellie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE CONCURRENT RESOLUTION NO. 12.

Senator Paulus called up House Concurrent Resolution No. 12.

The Chair laid before the Senate

House Concurrent Resolution No. 12, Providing for the investigation and collections of claims due the State of Texas on account of sums paid by the State for frontier protection.

The resolution was read and adopted.

Senator Paulus moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 542.

Senator Harper called up House bill No. 542, for Senator Veale, who was absent.

The Chair laid before the Senate, on second reading,

House bill No. 542, A bill to be entitled "An Act to amend Section 4 of Chapter 86 of the Acts of the Twenty-eighth Legislature, relating to wolves and other wild animals, and providing for the destruction thereof, as amended by the

Thirtieth Legislature, placing Potter county under the provisions of this law, and declaring an emergency."

On motion of Senator Harper, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

## Yeas—22.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Real.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

## Absent.

Adams.	Senter.
Cofer.	Stokes.
Kellie.	Veale.
Meachum.	Watson.

## Absent—Excused.

Greer.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

## Absent.

Adams.	Senter.
Cofer.	Veale.
Meachum.	Watson.

## Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

## Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

## Absent.

Adams.	Terrell of Bowie.
Cofer.	Veale.
Meachum.	Watson.
Senter.	

## Absent—Excused.

Greer.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 466.

Senator Harper called up House bill No. 466.

The Chair laid before the Senate, on second reading,

House bill No. 466, A bill to be entitled "An Act to amend Section 19 of Chapter 1, Special Laws of Texas as passed by the Twenty-ninth Legislature, being entitled 'An Act to create a more efficient road system for Archer county, Texas.'"

The committee report, which provided that the bill be not printed, was adopted.

Senator Harper offered the following amendment, which was read, and adopted:

Amend the bill by adding Section 2, which shall read as follows:

"Section 2. The near approach of the close of this session of the Legislature, and the fact that the county of Archer has no efficient road system, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted."

Bill read second time, and passed to a third reading.

On motion of Senator Harper, the con-

stitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

## Absent.

Adams.	Senter.
Bryan.	Veale.
Meachum.	Watson.

## Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

## Yeas—25.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

## Absent.

Adams.	Sturgeon.
Meachum.	Veale.
Senter.	

## Absent—Excused.

Greer.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 270.

Senator Terrell of McLennan called up, by unanimous consent, House bill No. 270.

The Chair laid before the Senate, on second reading,

House bill No. 270, A bill to be entitled "An Act to provide for the teaching of agriculture, manual training and domestic science in the State Normal Schools at Huntsville, Denton and San Marcos; and of agriculture, including such courses in manual training and domestic economy as are subsidiary to agriculture, in public high schools which shall meet certain prescribed conditions; and of elementary agriculture for teachers in the summer sessions of the State Normal Schools at Huntsville, Denton and San Marcos, of the Agriculture and Mechanical College at Bryan, of the College of Industrial Arts for Girls at Denton, and of the State University at Austin, and give the State Board of Education authority to fix salaries and wages of principals, presidents, teachers and other employes of the State Normal Schools, and making an appropriation therefor, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—22.

Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Hayter.	Stokes.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Paulus.	Willacy.

## Present—Not Voting.

Bryan.

## Absent.

Adams.	Senter.
Harper.	Sturgeon.
Meachum.	Veale.
Murray.	

## Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

## Yeas—24.

Alexander.	Bryan.
Brachfield.	Cofer.

Harper.	Perkins.
Hayter.	Real.
Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Absent.

Adams.	Senter.
Meachum.	Sturgeon.
Murray.	Veale.

Absent—Excused.

Greer.

Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 594.

Senator Ward called up House bill No. 594.

The Chair laid before the Senate, on second reading,

House bill No. 594, A bill to be entitled "An Act to restore to and confer the county court of Ochiltree county, Texas, the civil and criminal jurisdiction belonging to such courts under the Constitution and General Statutes of the State of Texas; to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act, so far as it relates to Ochiltree county."

On motion of Senator Ward, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—21.

Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Paulus.	Willacy.
Peeler.	

Present—Not Voting.

Cofer.	Hudspeth.
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Absent.

Adams.	Senter.
Harper.	Sturgeon.
Meachum.	Veale.
Murray.	

Absent—Excused.

Greer.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Stokes.
Cofer.	Terrell of Bowie.
Harper.	Terrell of
Hayter.	McLennan.
Holsey.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Paulus.	Willacy.
Peeler.	

Present—Not Voting.

Hudspeth.

Absent.

Adams.	Senter.
Hume.	Sturgeon.
Meachum.	Veale.
Murray.	

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hume.	McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

## Present—Not Voting.

Hudspeth.

Absent.

Adams.

Sturgeon.

Meachum.

Thomas.

Senter.

Veale.

Absent—Excused.

Greer.

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 605.

Senator Real called up House bill No. 605.

The Chair laid before the Senate, on second reading,

House bill No. 605, A bill to be entitled "An Act creating the Hamlin Independent School District, in Jones county, Texas."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Alexander.

Paulus.

Brachfield.

Peeler.

Bryan.

Perkins.

Cofer.

Real.

Harper.

Stokes.

Hayter.

Terrell of Bowie.

Holsey.

Terrell of McLennan.

Hudspeth.

Thomas.

Hume.

Ward.

Kellie.

Watson.

Masterson.

Weinert.

Mayfield.

Willacy.

Murray.

Absent.

Adams.

Sturgeon.

Meachum.

Veale.

Senter.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

## Yeas—23.

Alexander.

Bryan.

Brachfield.

Cofer.

Harper.

Real.

Hayter.

Stokes.

Holsey.

Terrell of Bowie.

Hudspeth.

Terrell of McLennan.

Kellie.

Thomas.

Masterson.

Ward.

Mayfield.

Watson.

Paulus.

Weinert.

Peeler.

Willacy.

Perkins.

Absent.

Adams.

Senter.

Hume.

Sturgeon.

Meachum.

Veale.

Murray.

Absent—Excused.

Greer.

Senator Real moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 565.

Senator Ward called up House bill No. 565.

The Chair laid before the Senate, on second reading,

House bill No. 565, A bill to be entitled "An Act creating the Water Valley Independent School District, Tom Green county, Texas."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Alexander.

Paulus.

Brachfield.

Peeler.

Bryan.

Perkins.

Cofer.

Real.

Harper.

Stokes.

Hayter.

Terrell of Bowie.

Holsey.

Terrell of McLennan.

Hudspeth.

Thomas.

Hume.

Ward.

Kellie.

Watson.

Masterson.

Weinert.

Mayfield.

Willacy.

Murray.

Absent.

Adams.

Sturgeon.

Meachum.

Veale.

Senter.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Adams.	Senter.
Meachum.	Sturgeon.
Real.	Veale.

Absent—Excused.

Greer.

Senator Mayfield moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 27.

Senator Holsey called up House bill No. 27, there being no objection.

The Chair laid before the Senate, on second reading,

House bill No. 27, A bill to be entitled "An Act to regulate the presentation and collection of claims for personal services or for labor rendered, or for material furnished, or for overcharges in freight or express, or for any claim for lost or damaged freight, or for stock killed or injured by any person or corporation, against any person or corporation doing business in this State, and providing a reasonable amount of attorneys' fees to be recovered, in cases where the amount of such claims shall not exceed two hundred (\$200) dollars, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Holsey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Cofer.
Brachfield.	Harper.
Bryan.	Hayter.

Holsey.	Stokes.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Absent.

Adams.	Senter.
Kellie.	Sturgeon.
Meachum.	Veale.
Real.	

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—18.

Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Mayfield.	Ward.
Murray.	Willacy.

Nays—4.

Alexander.	Watson.
Masterson.	Weinert.

Absent.

Adams.	Real.
Hume.	Senter.
Kellie.	Sturgeon.
Meachum.	Veale.

Absent—Excused.

Greer.

Senator Holsey moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 225.

Senator Perkins called up Senate bill No. 225, there being no objection.

The Chair laid before the Senate, on second reading,

Senate bill No. 225, A bill to be entitled "An Act to establish a school of agriculture for the instruction of white male children in the science of agriculture and horticulture, and the natural sciences connected therewith, and in civil engineering and other scientific and classical

studies relating to practical education in the pursuits of agriculture and horticulture to be known as the North Texas Agricultural College; providing for appointment of a board of commissioners by the Governor, and defining their duties; providing for the appointment of a local board of directors by and under the direction of the Board of Directors of the Agricultural and Mechanical College; providing that said North Texas Agricultural College shall be a branch of the Agricultural and Mechanical College; authorizing the acceptance by said board of directors in trust for said school any donations of money or lands for the benefit and use of said school, and defining the duties of said directors; making an appropriation for the purposes of this act; fixing the location of said college in the county of Collin, State of Texas, and declaring an emergency."

There being majority favorable and an adverse minority committee report,

On motion of Senator Perkins the majority committee report was adopted.

The bill was read second time and ordered engrossed.

#### HOUSE BILL NO. 577.

Senator Alexander called up House bill No. 577.

The Chair laid before the Senate, on second reading,

House bill No. 577, A bill to be entitled "An Act to amend an act of Special Laws of the Twenty-sixth Legislature of the Parker county road law, Section 14, Chapter 41, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Mayfield.
Brachfield.	Murray.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.

Watson.  
Weinert.

Willacy.

Absent.

Adams.  
Hume.  
Meachum.  
Paulus.

Real.  
Senter.  
Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.  
Brachfield.  
Bryan.  
Cofer.  
Harper.  
Hayter.  
Holsey.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.  
Murray.

Paulus.  
Peeler.  
Perkins.  
Stokes.  
Sturgeon.  
Terrell of Bowie.  
Terrell of McLennan.  
Thomas.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent.

Adams.  
Hume.  
Meachum.

Real.  
Senter.  
Veale.

Absent—Excused.

Greer.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 448.

Senator Willacy called up House bill No. 448.

The Chair laid before the Senate, on second reading,

House bill No. 448, A bill to be entitled "An Act to amend Chapter 5, General Laws First Called Session of the Twenty-seventh Legislature, entitled 'An Act to apportion the State of Texas into congressional districts, naming the counties comprising the same, and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith.'"

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill, by the following vote (see Appendix for committee report):

## Yeas—22

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

## Absent.

Adams.	Perkins.
Harper.	Real.
Hume.	Senter.
Meachum.	Veale.

## Absent—Excused.

Greer.

On motion of Senator Willacy, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

## Nays—1.

Holsey.

## Absent.

Adams.	Meachum.
Hume.	Veale.

## Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

## Yeas—23.

Alexander.	Cofer.
Brachfield.	Harper.
Bryan.	Hayter.

Hudspeth.	Stokes.
Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.
Murray.	Thomas.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.
Senter.	

## Nays—1.

Holsey.

## Absent.

Adams.	Meachum.
Hume.	Terrell of McLennan.
Mayfield.	Veale.

## Absent—Excused.

Greer.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 432.

Senator Stokes called up House bill No. 432.

The Chair laid before the Senate, on second reading,

House bill No. 432, A bill to be entitled "An Act to create an independent school district in the county of Ellis, State of Texas, to be known as the Ferris Independent School District," etc.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—22.

Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

## Absent.

Adams.	Hume.
Bryan.	Mayfield.



Meachum. Terrell of McLennan.  
Terrell of Bowie. Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Adams.	Meachum.
Hume.	Terrell of McLennan.
Mayfield.	Veale.

Absent—Excused.

Greer.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 1.

Senator Senter called up House bill No. 1, there being no objection.

The Chair laid before the Senate, on second reading,

House bill No. 1, A bill to be entitled "An Act providing that all towns or cities of the State of Texas which may have been or may hereafter be chartered or organized under the general laws of Texas or by special act or charter, and which town or city owns or operates water works, sewers, gas or electric lights," etc.

On motion of Senator Senter the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—23

Alexander.	Harper.
Brachfield.	Hayter.
Bryan.	Holsey.
Cofer.	Hudspeth.

Kellie.	Sturgeon.
Masterson.	Terrell of Bowie.
Murray.	Thomas.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.
Senter.	

Absent.

Adams.	Stokes.
Hume.	Terrell of McLennan.
Mayfield.	Veale.
Meachum.	

Absent—Excused.

Greer.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

The vote by which the bill passed to a third reading was reconsidered.

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill by adding a new section to be numbered 3, and to read as follows:

"Section 3. The fact that no legal authority now exists for cities owning the public utilities mentioned in this act to extend the benefits of the same to persons adjacent to such cities creates an emergency and an imperative public necessity, requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted."

Bill read second time, and passed to third reading.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

**Absent.**

<b>Adams.</b>	<b>Terrell of McLennan.</b>
<b>Hume.</b>	<b>Thomas.</b>
<b>Real.</b>	<b>Veale.</b>
<b>Stokes.</b>	

**Absent—Excused.****Greer.**

The bill was read third time, and passed by the following vote:

**Yeas—21.**

<b>Alexander.</b>	<b>Perkins.</b>
<b>Brachfield.</b>	<b>Real.</b>
<b>Bryan.</b>	<b>Senter.</b>
<b>Cofer.</b>	<b>Stokes.</b>
<b>Holsey.</b>	<b>Sturgeon.</b>
<b>Hudspeth.</b>	<b>Terrell of Bowie.</b>
<b>Kellie.</b>	<b>Ward.</b>
<b>Masterson.</b>	<b>Watson.</b>
<b>Murray.</b>	<b>Weinert.</b>
<b>Paulus.</b>	<b>Willacy.</b>
<b>Peeler.</b>	

**Absent.**

<b>Adams.</b>	<b>Meachum.</b>
<b>Harper.</b>	<b>Terrell of McLennan.</b>
<b>Hayter.</b>	<b>Thomas.</b>
<b>Hume.</b>	<b>Veale.</b>
<b>Mayfield.</b>	

**Absent—Excused.****Greer.**

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

**HOUSE BILL NO. 495.**

Senator Hudspeth called up House bill No. 495.

The Chair laid before the Senate, on second reading,

House bill No. 495, A bill to be entitled "An Act to amend Sections 2, 7 and 31, and repealing Sections 18, 19, 23, 27, 28 and 30 of an act of the Thirtieth Legislature, Chapter 47, Special Laws, entitled 'An Act creating the Eldorado Independent School District in Schleicher county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof, and defining their duties, powers and authority; authorizing said board of trustees to levy, assess and collect a tax of not exceeding 25 cents on the \$100 valuation, for the purpose of purchasing or constructing public free school buildings and furnishing the same, and to issue bonds for such purpose, and to levy, assess and collect a tax of not exceeding 50 cents

on the \$100 valuation of such property for maintenance and support of its schools; requiring and providing for election on the proposition to levy such taxes, and issuance of bonds; providing for the collection for account of said district of the special tax of 20 cents on the \$100 valuation of property in said district, levied for the years 1906 and 1907, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general law upon independent school districts and the board of trustees thereof, formed by the incorporation of a town or village for free school purposes only, under general law."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

**Yeas—22.**

<b>Alexander.</b>	<b>Murray.</b>
<b>Brachfield.</b>	<b>Paulus.</b>
<b>Bryan.</b>	<b>Peeler.</b>
<b>Cofer.</b>	<b>Perkins.</b>
<b>Harper.</b>	<b>Real.</b>
<b>Hayter.</b>	<b>Sturgeon.</b>
<b>Holsey.</b>	<b>Terrell of Bowie.</b>
<b>Hudspeth.</b>	<b>Ward.</b>
<b>Kellie.</b>	<b>Watson.</b>
<b>Masterson.</b>	<b>Weinert.</b>
<b>Mayfield.</b>	<b>Willacy.</b>

**Absent.**

<b>Adams.</b>	<b>Stokes.</b>
<b>Hume.</b>	<b>Terrell of McLennan.</b>
<b>Meachum.</b>	<b>Thomas.</b>
<b>Senter.</b>	<b>Veale.</b>

**Absent—Excused.****Greer.**

The bill was read third time, and passed by the following vote:

**Yeas—22.**

<b>Alexander.</b>	<b>Kellie.</b>
<b>Brachfield.</b>	<b>Masterson.</b>
<b>Bryan.</b>	<b>Mayfield.</b>
<b>Cofer.</b>	<b>Murray.</b>
<b>Harper.</b>	<b>Paulus.</b>
<b>Hayter.</b>	<b>Peeler.</b>
<b>Holsey.</b>	<b>Perkins.</b>
<b>Hudspeth.</b>	<b>Real.</b>

Sturgeon.  
Terrell of Bowie.  
Ward.

Watson.  
Weinert.  
Willacy.

Absent.

Adams.  
Hume.  
Meachum.  
Senter.

Stokes.  
Terrell of McLennan.  
Thomas.  
Veale.

Absent—Excused.

Greer.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 223.

Senator Terrell of Bowie called up House bill No. 223.

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—21.

Alexander.  
Brachfield.  
Bryan.  
Cofer.  
Harper.  
Hayter.  
Holsey.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.

Murray.  
Paulus.  
Peeler.  
Real.  
Sturgeon.  
Terrell of Bowie.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent.

Adams.  
Hume.  
Meachum.  
Perkins.  
Senter.

Stokes.  
Terrell of McLennan.  
Thomas.  
Veale.

Absent—Excused.

Greer.

The Chair laid before the Senate, on second reading,

House bill No. 223, A bill to be entitled "An Act to amend Article 4833, page 1, Title 98 of the Revised Civil Statutes of the State of Texas, relating to the annual salary of the Superintendent of Public Buildings and Grounds, and fixing the same, two thousand per annum."

On motion of Senator Terrell of Bowie, the Senate rule requiring committee reports to lie over one day was suspended, for the purpose of considering this bill

(see Appendix for committee report), by the following vote:

Yeas—21.

Alexander.  
Brachfield.  
Bryan.  
Cofer.  
Harper.  
Hayter.  
Holsey.  
Hudspeth.  
Kellie.  
Masterson.  
Mayfield.

Murray.  
Paulus.  
Peeler.  
Real.  
Sturgeon.  
Terrell of Bowie.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent.

Adams.  
Hume.  
Meachum.  
Perkins.  
Senter.

Stokes.  
Terrell of  
McLennan.  
Thomas.  
Veale.

Absent—Excused.

Greer.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Alexander.  
Brachfield.  
Bryan.  
Cofer.  
Harper.  
Hayter.  
Holsey.  
Hudspeth.  
Kellie.  
Masterson.

Mayfield.  
Murray.  
Paulus.  
Peeler.  
Real.  
Terrell of Bowie.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent.

Adams.  
Hume.  
Meachum.  
Perkins.  
Senter.

Stokes.  
Sturgeon.  
Terrell of McLennan.  
Thomas.  
Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—20.

Adams.  
Alexander.

Brachfield.  
Bryan.

Cofer.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Ward.
Masterson.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Nays—1.

Murray.

Absent.

Harper.	Stokes.
Hume.	Terrell of McLennan.
Mayfield.	Thomas.
Meachum.	Veale.
Perkins.	

Absent—Excused.

Greer.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### FREE CONFERENCE COMMITTEE REPORT.

By Senator Willacy:

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

House Joint Resolution No. 7, To amend Section 51 of Article 3 of the Constitution of the State of Texas, so as to authorize the grant of aid to disabled and indigent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors and for the establishment and maintenance of a home for the disabled and indigent wives and widows of Confederate soldiers and sailors and such women as aided the Confederacy, and making appropriations for same, "For levying a tax, defining the word indigent, fixing the time of holding the election, and prescribing the form of the ballot to be used,"

Have had same under consideration, and have adjusted the differences between the two houses as follows:

The Senate committee recedes from its amendment to said joint resolution, and the House committee accepts the following amendments to said resolution:

(1)

Strike out the words in the caption "defining the word indigent."

(2)

In line 5, page 2 of the resolution, strike out the words "\$250,000" and insert "\$150,000."

(3)

In line 11, page 2, of the resolution, strike out the following words: "Provided that the word indigent as used herein shall be construed to mean any person who does not own more than One Thousand Dollars (\$1000) worth of property as shown by the taxable value thereof."

(4)

In line 7 of Section 2, page 2, strike out the word "six" and insert "five."

WILLACY,  
ALEXANDER,  
COFER,  
HUME,

On the part of the Senate.

RALSTON,  
McKINNEY,  
JACKSON,  
PEARSON,  
VAUGHAN,

On the part of the House.

Senator Willacy moved to adopt the report, and Senator Murray moved as a substitute that the Senate refuse to concur in the Free Conference Committee report, and that the Senate adhere to its original amendments.

The substitute motion was unanimously adopted.

#### HOUSE BILL NO. 606.

Senator Bryan called up House bill No. 606.

The Chair laid before the Senate, on second reading,

House bill No. 606, A bill to be entitled "An Act abolishing the present Hereford Independent School District, and creating another independent school district, to be known as the 'Hereford Independent School District,' within the bounds of the city of Hereford, in the county of Deaf Smith and State of Texas, and other lands and territory adjacent thereto; the same incorporated as an independent school district for free school purposes only, with all the powers, rights and duties of independent school districts, formed by incorporation of

towns and villages for free school purposes."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Meachum.	Terrell of McLennan.
Stokes.	Thomas.
Sturgeon.	Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Hume.	Terrell of McLennan.
Meachum.	Thomas.
Stokes.	Veale.

Absent—Excused.

Greer.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### FOURTEENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted Free Conference Committee report on House bill No. 28 by the following: Yeas, 80; nays, 19.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### HOUSE BILL NO. 229.

Senator Watson called up House bill No. 229.

The Chair laid before the Senate, on second reading,

House bill No. 229, A bill to be entitled "An Act to levy a tax of five hundred dollars (\$500) upon the occupation of selling cannon crackers or torpedoes, and permitting counties, cities and towns to levy an additional tax of one-half of the amount herein levied; defining the term 'cannon crackers,' and providing that nothing herein shall be construed to prohibit the sale of, or place a tax on the sale of cartridges, combustible packages or explosives, commonly used for firearms or artillery, mining, excavating earth or stone, scientific purposes, or for any public or private work, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill, Section 1, by striking out the word "torpedoes," after the words "cannon crackers."

Bill read second time, and passed to a third reading.

Senator Watson moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be put on its third reading.

The motion was lost by the following vote:

Yeas—19.

Adams.	Mayfield.
Brachfield.	Murray.
Harper.	Paulus.
Holsey.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Senter.

Terrell of Bowie. Weinert.  
Ward. Willacy.  
Watson.

Nays—6.

Alexander. Hayter.  
Bryan. Masterson.  
Cofer. Sturgeon.

Absent.

Meachum. Thomas.  
Stokes. Veale.  
Terrell of McLennan.

Absent—Excused.

Greer.

### HOUSE BILL NO. 558.

Senator Adams called up House bill No. 558.

The Chair laid before the Senate, on second reading,

House bill No. 558, A bill to be entitled "An Act to amend Section 2 of the special road law for Mills county, Chapter 41, entitled 'An Act to create a more efficient road system for Mills county, Texas.'"

On motion of Senator Adams, the Senate rule requiring bills to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—22.

Adams. Mayfield.  
Alexander. Murray.  
Brachfield. Paulus.  
Bryan. Perkins.  
Cofer. Real.  
Harper. Senter.  
Hayter. Sturgeon.  
Holsey. Ward.  
Hudspeth. Watson.  
Kellie. Weinert.  
Masterson. Willacy.

Present—Not Voting.

Peeler. Terrell of Bowie.

Absent.

Hume. Terrell of McLennan.  
Meachum. Thomas.  
Stokes. Veale.

Absent—Excused.

Greer.

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Adams, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams. Murray.  
Alexander. Paulus.  
Brachfield. Peeler.  
Bryan. Perkins.  
Cofer. Real.  
Harper. Senter.  
Hayter. Sturgeon.  
Holsey. Terrell of Bowie.  
Hudspeth. Ward.  
Kellie. Watson.  
Masterson. Weinert.  
Mayfield. Willacy.

Absent.

Hume. Terrell of McLennan.  
Meachum. Thomas.  
Stokes. Veale.

Absent—Excused.

Greer.

(Lieutenant Governor Davidson in the chair.)

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams. Murray.  
Alexander. Paulus.  
Brachfield. Peeler.  
Bryan. Perkins.  
Cofer. Real.  
Harper. Senter.  
Hayter. Sturgeon.  
Holsey. Terrell of Bowie.  
Hudspeth. Ward.  
Hume. Watson.  
Kellie. Weinert.  
Masterson. Willacy.

Absent.

Mayfield. Terrell of McLennan.  
Meachum. Thomas.  
Stokes. Veale.

Absent—Excused.

Greer.

### EXECUTIVE SESSION POSTPONED.

Here Senator Hudspeth moved that the Senate postpone the hour for going into Executive Session to consider the notaries public, from 9 o'clock tomorrow morning until 9 o'clock Saturday morning.

The motion prevailed.

## HOUSE BILL NO. 513.

Senator Harper called up, by unanimous consent, House bill No. 513.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Meachum.	Thomas.
Stokes.	Veale.
Terrell of McLennan.	

Absent—Excused.

Greer.

On motion of Senator Harper, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Absent.

Meachum.	Thomas.
Stokes.	Veale.
Terrell of McLennan.	

Absent—Excused.

Greer.

The Chair laid before the Senate, on second reading,

House bill No. 513 (see committee report for caption).

On motion of Senator Harper, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Mayfield.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Meachum.	Thomas.
Stokes.	Veale.
Terrell of McLennan.	Ward.

Absent—Excused.

Greer.

The bill was read third time, and passed.

## HOUSE BILL NO. 218.

Senator Cofer called for House bill No. 218, and there was objection, and

Senator Cofer moved that the pending order of business (Senate bill No. 94) be suspended, and the Senate take up, out of its order, House bill No. 218.

The motion was lost by the following vote:

Yeas—11.

Brachfield.	Paulus.
Bryan.	Senter.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Ward.
Mayfield.	

Nays—14.

Adams.	Murray.
Alexander.	Peeler.
Harper.	Perkins.
Hudspeth.	Real.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.

Absent.

Meachum. Thomas.  
Stokes. Veale.  
Terrell of McLennan.

Absent—Excused.

Greer.

## HOUSE BILL NO. 472.

Senator Bryan called up House bill No. 472, there being no objection.

The Chair laid before the Senate, on second reading,

House bill No. 472, A bill to be entitled "An Act to allow all counties in this State to determine by a vote of the people as to whether such county shall have a hide and animal inspector, and to provide for filling such office; and providing fees for same; and providing the duties of such office and creating an emergency."

The committee report which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Harper.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield. •	

Nays—2.

Cofer.	Paulus.
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Absent.

Meachum. Thomas.  
Stokes. Veale.  
Terrell of McLennan.

Absent—Excused.

Greer.

The bill was read third time, and passed.

## HOUSE BILL NO. 182.

Senator Ward called up House bill No. 182, there being no objection.

The Chair laid before the Senate, on second reading,

House bill No. 182, A bill to be entitled "An Act to provide for revising, digesting and publishing the civil and criminal laws of the State of Texas; making an appropriation therefor, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Alexander offered the following amendment:

Amend House bill No. 182 by striking out all after the word "act," in line 9 of Section 1 of the bill, and inserting the following:

"Said commissioners shall adopt such of the Revised Statutes, Civil and Criminal, as have not been repealed or amended, together with an appropriate arrangement of titles, articles, marginal references and chapter head lines, and shall not change the words or punctuations thereof except in cases of evident clerical or typographical errors; or to improve the verbiage or make clear the meaning of the text; provided, the present numbering or arrangement of the articles is not required to be preserved.

"Sec. 2. All statutes passed since the adoption of the Revised Statutes, including those passed at the Regular and Special Session, if any, of the Thirty-first Legislature, and those that may have been passed at the time said commissioners shall submit their report herein provided for, which statutes by their terms are amendatory of the Revised Statutes or are germane thereto, shall be incorporated in appropriate places in such statutes; and all others of said statutes passed as aforesaid which are general and permanent in their nature shall be collated and arranged into their appropriate titles, chapters and article, and with marginal references and chapter head lines similar to those used in the present Revised Statutes; provided, that in revising the statutes referred to in this section said commissioners shall without making radical changes therein so revise them as to render them concise, plain and intelligible; provided further, that the Civil Statutes, the Penal Code and the Code of Criminal Procedure shall each be separately annotated and indexed, and the index placed at the end of each of such subdivisions.

"Sec. 3. Said commissioners shall em-



body the result of their labors in two bills, one containing the entire body of the Civil Statutes and the State Constitution as adopted and amended and annotated and digested, and the other, the entire body of the statutes relating to criminal law, both properly indexed, annotated and digested, which bills said commissioners shall report to the Governor before the meeting of the Thirty-second Legislature; and it shall be the duty of the Governor upon the receipt of said bills and reports to cause three hundred copies of the same to be printed at the expense of the State, in the same manner and under the same rules and regulations as are prescribed by law for other public printing, which said copies shall be delivered to the Secretary of State for the use of said Legislature.

"Sec. 4. Said commissioners shall supervise the printing of said bills and reports; they shall be authorized and empowered to employ any person, firm or corporation to annotate, digest and properly index said statutes when so revised, and the Comptroller of the State is hereby authorized to issue warrants upon the State Treasurer, in payment for any work so done under their direction upon vouchers certified to by said commissioners, and said commissioners shall receive as compensation the same salary as judges of the Courts of Civil Appeals for the time they are necessarily engaged in the performance of their work, and the certificate of the Governor shall authorize the Comptroller at stated times to draw his warrant on the Treasurer for its payment.

"Sec 5. Said commissioners shall have the authority to employ a competent stenographer, who shall receive a salary of one hundred and twenty-five dollars (\$125) per month for the time employed, not to exceed one year, to be paid as herein provided for the payment of the commissioners.

"Sec. 6. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

"Sec. 7. The difficulty in knowing what the law is, and where to find it in the great mass of accumulated session acts, and the constitutional authorization of a decennial revision, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be

read on three several days, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

On motion of Senator Peeler, the reading of the amendment was dispensed with.

The amendment was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Brachfield.	Terrell of McLennan.
Meachum.	Thomas.
Stokes.	Veale.

Absent—Excused.

Greer.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Brachfield.	Terrell of McLennan.
Meachum.	Thomas.
Stokes.	Veale.

Absent—Excused.

Greer.

## BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 117, "An Act to provide adequate punishment for any person who shall engage or act in the capacity of a locomotive engineer, or train conductor, upon any railroad in the State of Texas, without having first served three (3) years as a locomotive fireman or engineer, or if engaged as a conductor on any railroad train in this State, he shall be punished as herein provided if he engages to so act without first having served two (2) years as a brakeman, or conductor of a freight train. To punish any person who shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation of this act."

Senate bill No. 173, "An Act to amend Chapter 175 of the General Laws of Texas, passed by the Thirtieth Legislature, prescribing compensation of district attorneys, amending said law so that Article 1081a of the Code of Criminal Procedure shall hereafter read as follows, and declaring an emergency."

Senate bill No. 157, "An Act to provide for the speedy and efficient enforcement of the liens of mechanics and artisans on the buildings, improvements and articles made or repaired by them," etc.

Senate bill No. 50, "An Act to provide for the location and establishment and maintenance of a State sanatorium for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor."

Senate bill No. 235, "An Act to amend Chapter 80 of the Special Laws of the Thirtieth Legislature of the State of Texas, approved April 15, 1907, and to create a more efficient road law for Lee county, Texas."

House bill No. 604, "An Act to amend the city charter of the city of Greenville, Texas, and declaring an emergency."

House bill No. 368, "An Act to amend the charter of the city of Galveston so as to prescribe saloon limits in the city of Galveston, by adding to said charter Sections 62a, 62b and 62c, and declaring an emergency."

House bill No. 146, "An Act to amend Section 21 of an act entitled 'An Act

providing for the health and safety of persons in and around mines, and for creating a State Mining Board, and for the office of State Mining Inspector, and defining the duties of such inspector,' passed by the Thirtieth Legislature of the State of Texas, and approved April 30, 1907, by providing that the salary of the State Mining Inspector shall be \$2000 per year, and that his traveling expenses shall not in any one year exceed the sum of \$1000."

## ADJOURNMENT.

Senator Cofer moved that the Senate adjourn until tomorrow morning at 10 o'clock, which motion was adopted.

## APPENDIX.

## COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House bill No. 223, relating to the salary of the Superintendent of Public Buildings and Grounds, and providing for an increase of the salary of said official,

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Harper, Weinert, Terrell of Bowie, Brachfield, Murray, Holsey.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate bill No. 244, A bill to be entitled "An Act to amend Section 27, Chapter 164 of the Acts of the Twenty-ninth Legislature of the State of Texas, relating to county depositories,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Terrell of Bowie, Holsey, Harper, Sturgeon, Weinert, Peeler, Meachum.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

House bill No. 389, A bill to be entitled "An Act amending Chapter 2, Title 104, Article 5066, as amended by Chapter 160 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to amend Article 5066, Title 104, Chapter 2, Revised Civil Statutes, relating to the rendition, listing and assessment of property for taxation,' approved June 2, 1899, and Chapter 3, Title 104, Articles 5103 and 5104 and 5120 of the Revised Civil Statutes of the State of Texas, and providing for the listing of property for taxation and the time and manner in which property shall be listed for taxation, and the time when the commissioners' court of the several counties of this State shall convene and sit as a board of equalization, and prescribing the duties of such boards of equalization,"

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Holsey, Harper, Peeler, Paulus, Sturgeon, Brachfield, Murray.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

House bill No. 390, A bill to be entitled "An Act to amend Chapter 98 of the General Laws of the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board, and certain duties of the tax assessors of the various counties of this State,' approved April 15, 1907, as amended by Chapter 13 of the General Laws of the First Called Session of the Thirtieth Legislature entitled 'An Act to amend an act passed at the Regular Session of the Thirtieth Legislature entitled 'An Act to provide for a board to calculate the ad valorem rates of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' providing that said board shall

also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners court of the several counties in this State to calculate the rate and to adjust the taxes levied in the several counties, or portions thereof, for general or special purposes to the taxable values as shown on the assessors' rolls,' approved May 16, 1907, and requiring county tax collectors to make statements to the Comptroller of Public Accounts showing the total amounts of property in their county subject to taxation, and prescribing the time for making such statement,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Holsey, Harper, Peeler, Paulus, Sturgeon, Brachfield, Murray.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

House Joint Resolution No. 22, To amend Section 1, Article 8, of the Constitution of the State of Texas, relating to taxation, by exempting cotton and woolen mills' manufactures, including grounds, machinery and property incident to such business,

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Cofer, Vice Chairman; Thomas, Weinert, Perkins, Watson, Masterson.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

House bill No. 586, A bill to be entitled "An Act to amend Chapter 158 of an act of the Thirtieth Legislature, said act being entitled 'An Act to amend Article 651, Chapter 3, Title 21, of the Revised Statutes of the State of Texas, and declaring an emergency,' by defining the powers of private corporations and amending said act so that said corporations may have as many as twenty-one directors, and declaring an emergency,"

Have had the same under considera-

tion, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Brachfield, Acting Chairman; Hume, Paulus, Cofer, Ward, Masterson, Peele.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

House bill No. 594, A bill to be entitled "An Act to restore to and confer upon the County Court of Ochiltree county, Texas, the civil and criminal jurisdiction belonging to such courts under the Constitution and General Statutes of the State of Texas; to conform the jurisdiction of the district court of said county to such change and to repeal all laws in conflict with this act, so far as it relates to Ochiltree county, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Watson, Harper, Ward, Hume, Perkins, Terrell of Bowie.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 558, A bill to be entitled "An Act to create a more efficient road system for Mills county, Texas, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Senter, Acting Chairman; Paulus, Murray, Peeler, Sturgeon, Mayfield.

Committee Room,

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 289, A bill to be entitled "An Act to provide for a system of electric power, electric lights and waterworks for the purpose of supplying electric power, electric light and water to the State Capitol, the General Land

Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the city of Austin, and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purposes, and with authority to lay mains and pipes, and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the city of Austin, and public roads adjacent thereto, and to secure from the owners by purchase, or condemnation proceedings, if necessary, the right to lay such main and pipes and erect such poles and place wires across private lands; to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House bill No. 448, A bill to be entitled "An Act to amend Chapter 5, General Laws, First Called Session of the Twenty-seventh Legislature, entitled 'An Act to apportion the State of Texas into Congressional Districts, naming the counties composing the same, and providing for the election of a member of Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith,'"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Peeler, Chairman; Stokes, Thomas, Cofer, Bryan, Perkins.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

House bill No. 217, A bill to be entitled "An Act to carry into effect the amendment to the Constitution of the State of Texas providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their wives,

under certain conditions, and to make an appropriation therefor,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Cofer, Acting Chairman; Stokes, Brachfield, Weinert, Perkins, Watson, Thomas.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

House bill No. 610, A bill to be entitled "An Act to amend Section 1 of an act entitled 'An Act to protect game and fish in the county of Montgomery in the State of Texas, to prescribe penalties for violation of said act, and to declare an emergency,' approved April 5, 1907, and to declare an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Murray, Chairman; Sturgeon, Kellie, Paulus, Willacy, Perkins, Holsey.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 180, A bill to be entitled "An Act to provide for the establishment and maintenance of an Agricultural Experiment Station to be located in the Fourteenth Senatorial District, composed of Jefferson, Liberty, Orange, Hardin, Tyler, Jasper, Newton, Sabine, San Augustine and Nacogdoches counties, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Murray, Chairman; Sturgeon; Kellie, Paulus, Willacy, Perkins, Holsey.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 526, A bill to be entitled "An Act to amend Article 1098 (1068) of Chapter 3 of the Code of Criminal

Procedure of the Revised Statutes of 1895, relating to the pay of jail guards, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Harper, Chairman; Murray, Cofer, Real, Hudspeth, Stokes, Watson, Sturgeon.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Stock and Stockraising, to whom was referred

House bill No. 542, A bill to be entitled "An Act to amend Section 4 of Chapter 86 of the Acts of the Twenty-eighth Legislature, relating to wolves and other wild animals, and providing for the destruction thereof, as amended by the Thirtieth Legislature; placing Potter county under the provisions of this law, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Adams, Chairman; Bryan, Hudspeth, Willacy, Alexander, Murray, Real.

(Floor Report.)

Austin, Texas, March 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 1, A bill to be entitled "An Act providing that all towns or cities of the State of Texas which may have been or may hereafter be chartered or organized under the General Laws of Texas or by special act or charter, and which town or city owns and operates waterworks, sewers, gas or electric lights, shall have the right to own land for such purposes within or without the limits of such cities and towns, and purchase, construct and operate water, sewer, gas and electric systems inside or outside of such town or city limits, and sell water, gas, electric light and power and sewer privileges; and authorizing such town or city to make such rules and regulations and prescribe penalties concerning same as shall be necessary and proper,"

Have had the same under consideration, and beg leave to report it back to

the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Willacy, Alexander, Holsey, Terrell of McLennan, Hume, Sturgeon, Peeler, Masterson.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

House bill No. 150, A bill to be entitled "An Act to amend Sections 105, 106, 108, 109, 112, 113, 114, 117, 118, 119, 120, 121, 122 and 123 of Chapter 24 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teachers' certificates,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Willacy, Real, Bryan, Sturgeon, Harper, Weinert.

(Floor Report.)

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Privileges and Elections, to whom was referred

House bill No. 513, A bill to be entitled "An Act to amend Section 126 of Chapter 2 of the General Laws of Texas, First Called Session of the Twenty-ninth Legislature, 1905, entitled, 'An Act to regulate elections and to provide penalties for its violation, and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903,' and also to amend Section 141 of said act as passed at the First Called Session of the Twenty-ninth Legislature, approved April 30, 1907, relative to contests in primary elections,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Thomas, Chairman; Hume, Perkins, Terrell of McLennan, Ward, Adams, Real.

Committee Room,

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 322, A bill to be entitled "An Act creating and incorporating the Bronte Independent School District in Coke county, Texas," etc.,

And find the same correctly engrossed.  
WARD, Chairman.

Committee Room,

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 321, A bill to be entitled "An Act creating and incorporating the Robert Lee Independent School District," etc.,

And find the same correctly engrossed.  
WARD, Chairman.

Committee Room,

Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 218, A bill to be entitled "An Act defining the liability of common carriers for personal injuries to their employes and for injuries resulting in the death of their employes, defining the legal effect of contributory negligence on the part of such injured employe, and providing who shall be entitled to recover in such cases, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and be not printed.

BRACHFIELD, Chairman.

Committee Room,

Austin, Texas, March 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 313, "An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,  
Austin, Texas, March 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 247, "An Act to authorize and empower Lamar county, or any political subdivision of said county, by an affirmative vote of two-thirds of the resident tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof for the purpose of construction, maintaining and operating macadamized, ballasted, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,  
Austin, Texas, March 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 56, "An Act to repeal Chapter 5 of the Special Session of the Thirtieth Legislature, creating independent school districts for Nixon, Wilson and Gonzales counties of Texas, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,  
Austin, Texas, March 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 240, "An Act defining what shall be a full crew on passenger trains, run by railroad companies or receivers of railroad companies doing business in this State, what shall be a full

crew on freight, gravel or construction trains run by such railroad companies or receivers and what shall be a full crew on light engines run by such railroad companies or receivers; providing for certain cases to which the act shall not apply; rendering it unlawful for any such railroad company or receiver to run any train or light engine, subject to this act, without, in each instance, having the full crew required; imposing a penalty for each violation by any railroad company or receiver of any of the provisions of the act; prescribing the venue of suits to recover penalties for violations of this act and the officers by whom the suits shall be brought, and exempting all railroads less than twenty miles in length, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be unlawful for any railroad company or receiver of any railroad company doing business in the State of Texas to run over its road, or part of its road outside of the yard limits, any passenger train with less than a full passenger crew, consisting of four persons—one engineer, one fireman, one conductor and one brakeman.

Sec. 2. It shall be unlawful for any railroad company or receiver of any railroad company doing business in the State of Texas to run over its road, or part of its road, outside the yard limits, any freight train, gravel train or construction train with less than a full crew, consisting of five persons—one engineer, one fireman, one conductor and two brakemen.

Sec. 3. It shall be unlawful for any railroad company or receiver of any railroad company doing business in the State of Texas to run over its road, or part of its road, outside of the yard limits, any light engine without a full train crew, consisting of three persons—one engineer, one fireman and one conductor; provided, that nothing in this act shall be construed as applying in the case of disability of one or more of any train crew while out on the road between division terminals, or to switching crews in charge of yard engines or which may be required to push trains out of yard limits.

Sec. 4. Any railroad company or any receiver of any railroad company doing business in the State of Texas which shall violate any of the provisions of this act shall be liable to the State of Texas for a penalty of not less than \$100 or more than \$1000 for each offense,

and such penalty shall be recovered and suit brought in the name of the State of Texas, in a court of proper jurisdiction in Travis county, Texas, or in county in or through which such line of railroad may run, by the Attorney General or under his direction, or by the county or district attorney in any county or through which such line of railroad may be operated, and such suits shall be subject to the provisions of Article 4577, Revised Statutes of the State of Texas.

Sec. 4a. The provisions of this act shall not apply to or include any railroad company or receiver or manager thereof of any line of railroad in this State less than twenty miles in length.

Sec. 5. The fact that there are now no adequate laws for the protection of a large portion of our citizens employed by railway companies and receivers of railroad companies and passengers riding on railway trains, by reason of no existing adequate provision for the necessary train crews, creates an emergency and imperative public necessity requiring the suspension of the constitutional rule which requires bills to be read on three several days in each house, and the rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, March 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 62, "An Act making it a criminal offense for any person to send to another person an anonymous letter or writing reflecting upon the integrity, chastity, virtue, good character or reputation of any person, or wherein the life of any such person is threatened, and prescribing a penalty for the violation thereof, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person shall send or cause to be sent, deliver or cause to be delivered, to any other person any anonymous letter or written instrument of any character whatsoever, reflecting

upon the integrity, chastity, virtue, good character or reputation of the person to whom such letter or written instrument is sent or addressed, or of any other person, or wherein the life of such person is threatened, said person so sending such letter or written instrument shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine or not less than two hundred and fifty dollars, nor more than one thousand dollars, and by imprisonment in the county jail for not less than one month nor more than twelve months.

Sec. 2. By an anonymous letter or written instrument, within the meaning of this law, is meant, where the sender of such letter or written instrument withholds his or her full and true name from the same, or where no name is signed thereto, or where a fictitious name is signed thereto, or where any description of such sender instead of a name is used, such as "A friend" or "A true friend" or the like.

Sec. 3. If two or more persons are concerned in the composition or sending of any anonymous letter or written instrument as hereinbefore prohibited by this act, then either of such persons shall be compelled to testify thereto, and the fact that such testimony will criminate such person shall not exempt such person from testifying in regard thereto; provided, that where such person has been compelled to testify in regard thereto as above stated, then in that even when such person has testified fully, fairly and truthfully in regard thereto, then such person shall not be prosecuted under this act for the particular offense about which such person has so testified.

Sec. 4. The fact that there is no law now in force making it a criminal offense to send anonymous letters, and the fact that such practice is frequently indulged in by evil disposed and malicious persons, causing distress and annoyance to innocent persons, create an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act should take effect from and after its passage, and it is hereby so enacted.

And find it correctly enrolled, and have this day, at 5 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.



Committee Room,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 117, "An Act to provide adequate punishment for any person who shall engage or act in the capacity of a locomotive engineer, or train conductor; upon any railroad in the State of Texas, without having first served three (3) years as a locomotive fireman, or engineer, or if engaged as a conductor on any railroad train in this State, he shall be punished as herein provided if he engages to so act without first having served two (2) years as a brakeman, or conductor of a freight train; to punish any person who shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation of this act, but exempting lines operating of less than twenty-five miles in length from the operation of this act."

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person shall run or operate any locomotive engine upon any railroad in the State of Texas, without having served three (3) years prior thereto as a fireman or engineer on a locomotive engine, he shall be deemed guilty of a misdemeanor, and he shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and each day he so engages shall constitute a separate offense.

Sec. 2. If any person shall act or engage to act as a conductor on a railroad train in this State without having for two (2) years prior thereto served or worked in the capacity of a brakeman or conductor on a freight train on a line of railroad, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and each day he so engages shall constitute a separate offense.

Sec. 3. If any person shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation of the provisions of the two preceding sections of this act, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and each day he so engages shall constitute a separate offense.

Sec. 4. Nothing in this act shall be construed as applying to the running or operating of engines, in taking said engines to or from trains at division terminals by engine hostlers, or of the shifting of cars or making up trains, or doing any work appurtenant thereto at engine house, train or freight yards by switchmen or yardmen, or in the case of the disability of an engineer or a conductor while out on the road between division terminals. In case of emergency where such companies can not obtain the employees mentioned in this act who have the qualifications prescribed by the provisions thereof, then such companies may employ temporary firemen, engineers and conductors who have not the qualifications prescribed by this act, but no such employment shall continue longer than such companies can supply their respective places with men who have the qualifications prescribed by this act, and provided further, that nothing herein contained shall relieve any of such companies from the negligence of any of its employees.

Sec. 4a. The provisions of this act shall not apply to any railroad company within this State or the receiver, lessee thereof, whose line of railway is less than twenty-five miles in length.

Sec. 5. The fact that there are now no adequate laws in this State prohibiting the running of locomotives and trains on railroads by inexperienced engineers and conductors, thus endangering the lives of the traveling public and employees of said railroads, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule, which requires bills to be read on three several days in each house, and the rule is hereby suspended; and that this act take effect and be in force from and after its passage and it is so enacted.

And find it correctly enrolled, and have this day, at 12 o'clock noon, presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 157, "An Act to provide for the speedy and efficient enforcement of the liens of mechanics and artisans on the buildings, improvements, fixtures and articles made or repaired

by them, and to require the principal of any contractor, sub-contractor, agent or receiver, who may make, erect or repair any house, building or improvement, or the owner thereof, to retain in his hands ten per cent of the contract price of the same, or the value thereof, during the progress of such work, and for thirty days subsequent to the completion thereof, at the expiration of which time the special liens upon said fund of ten per cent, created, as herein provided, shall be extinguished except as to such liens as shall have been duly filed in the office of the county clerk in accordance with law, upon which the mechanics and artisans performing the work thereon shall have a preference lien, and providing that in the event of the failure of the principal, owner, agent or receiver so to do that such mechanics and artisans shall have a preference lien upon such building, fixture or improvement and the lot or lots upon which the same may be situate, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Whenever any mechanic or artisan shall perform any labor or service for any contractor, sub-contractor, agent or receiver, in the erection of any house, building, fixture or improvement, or to repair any house, building, fixture or improvement, or as a necessary incident in connection with such work of construction or repair, it shall be the duty of the owner of such property, or such agent or receiver, to retain in his hands, to secure the payment of the artisans and mechanics who may perform such labor or service ten per cent of the contract price of such building, fixture or improvement, or the repair thereof, and in the event there be no fixed contract price then a sum equivalent to ten per cent of the value of such building, fixture or improvement or the repair thereof; provided, that the amount so retained by the owner, agent or receiver as the work progresses shall not fall below one-tenth of the value of such building, fixture or improvement, or the repair thereof, measured by the proportion that the work done bears to the work to be done thereon, and using the contract price or the reasonable value of the completed building, fixture or improvement, or the repair thereof, as a basis of computation of value. Such fund or funds shall be retained by the owner or agent or receiver for the purpose herein named during the progress of the work of construction upon such

building, fixture or improvement, or the repair thereon, and for thirty days subsequent to the completion thereof. Any mechanic or artisan who may file a mechanic's lien upon said building, fixture or improvement so made or erected or repaired in accordance with the law applying thereto shall have a preference lien upon said fund so retained in the hands of such owner or agent or receiver; provided, that all mechanics and artisans filing such liens shall be entitled to share ratably therein. In the event the owner of such building, fixture or improvement or such agent or receiver shall refuse to fail to comply with the provisions of this act, and to retain such fund or funds in his hands as herein provided, the mechanics and artisans performing work thereon and in connection therewith who may file liens thereon in accordance with law shall have ratably among themselves preference liens, to be preferred above all other liens and claims whatsoever, upon such house, building, structure, fixture or improvement, and all of its properties, and on the lot or lots of land necessarily connected therewith, to secure payment for such labor thereon.

Sec. 2. The provisions of this act shall not be construed to deprive artisans and mechanics of the remedies given them for enforcement of their liens as set out in the acts heretofore passed concerning the same, except in so far as they may be in conflict herewith, and the provisions of this act shall be cumulative of the provisions of all such acts heretofore passed.

Sec. 3. All laws and parts of laws in conflict with this act shall be, and the same are hereby repealed.

Sec. 4. It being important that the benefits of this act be realized at once, because the parties to be benefited by this act have no adequate protection under existing laws, creates an emergency and imperative necessity that the constitutional rule requiring bills to be read on three several days should be suspended and this act take effect, and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 12 o'clock noon, presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,  
Austin, Texas, March 11, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 173, "An Act to amend Chapter 175 of the General Laws of Texas, passed by the Thirtieth Legislature, prescribing compensation of district attorneys, amending said law so that Article 1081a of the Code of Criminal Procedure shall hereafter read as follows:"

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1081a, Chapter 175 of the Code of Criminal Procedure as amended by the Thirtieth Legislature be amended so that it shall hereafter read as follows:

Article 1081a. From and after the passage of this act, in addition to the five hundred (\$500) dollars now allowed them by law, district attorneys in all judicial districts in this State, composed of two counties or more, shall receive from the State as compensation for their services the sum of fifteen (\$15) dollars for each day they attend the session of the district court in their respective districts in the necessary discharge of their official duty, and fifteen (\$15) dollars per day for each day they represent the State at examining trials, inquest proceedings and habeas corpus proceedings in vacation. Said fifteen (\$15) dollars per day to be paid to the district attorneys upon the sworn account of the district attorney, approved by the district judge, who shall certify that the attendance of said district attorney for the number of days mentioned in his account was necessary, after which said account shall be recorded in the minutes of the district court; provided, that the maximum number of days for such attendance and service for which the said compensation is allowed shall not exceed one hundred and thirty-three days in any one year; and provided further, that all fees in misdemeanor cases, and commissions and fees heretofore allowed district attorneys under the provisions of Article 1981 of the Code of Criminal Procedure and in Chapter 5 of the General Laws passed at the Special Session of the Twenty-fifth Legislature in districts composed of two or more counties, shall when collected, be paid to the clerk of the district court, who shall pay over the same to the State Treasurer.

Provided the provisions of this bill shall not apply to district attorneys whose last preceding annual report of himself or his predecessor shows that he or his predecessor making such report received in fees under the criminal laws over \$2495.

Sec. 2. The fact that there is no adequate law of this State regulating the compensation of district attorneys, creates an emergency and imperative public necessity that this act be passed under a suspension of the constitutional rule requiring bills to be read on three several days, and the rule is therefore suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 12 o'clock noon, presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

#### PETITIONS AND MEMORIALS.

By Lieutenant Governor Davidson:

Galveston, Texas, March 10, 1909.

The Presidents of the Senate and House of Representatives, Austin, Texas.

Gentlemen: In behalf of many Italian residents of this city, signers of petition asking that the districting ordinance be subject to a vote of the people, we protest against abuse heaped upon our citizens by certain members of the House, and declare that same was unnecessary and uncalled for as well as unmerited.

S. John Hagemann, August Wisrodt, David Fahey, M. W. Shaw, E. M. Flake.  
(Can furnish many thousands more.)

By Lieutenant Governor Davidson:

Beaumont, Texas, March 6, 1909.

To the Senate and House of Representatives, Austin, Texas.

We congratulate you on the passage of the Robertson anti-race horse bill.

Numerously signed.

#### FORTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,

Friday, March 12, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, no quorum present, the following Senators answering to their names: